ing of anti-poll-tax legislation; to the Committee on House Administration.

Also, memorial of the Legislature of the State of Massachusetts, relative to the passing of antilynching legislation; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Texas, urging that the attempt to eliminate or reduce the depletion allowance on natural resources be defeated; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAVALCANTE:

H. R. 7450. A bill to record the lawful admission to the United States for permanent residence of Malvina Davoli, nee Passini; to the Committee on the Judiciary.

By Mr. FARRINGTON:

H. R. 7451. A bill for the relief of Sumiko Fujita; to the Committee on the Judiciary.

H. R. 7452. A bill for the relief of Alice Moriyoshi; to the Committee on the Judiciary.

By Mr. GORE:

H. R. 7453. A bill for the relief of the Farmers Mutual Fire Insurance Co. of Sumner County, Tenn.; to the Committee on the Judiciary.

By Mr. HOBBS:

H. R. 7454. A bill for the relief of the estate of Robert Preston Watters, the estate of Mrs. Jessie Nivens Watters, and the estate of J. W. Gillum; to the Committee on the Judiciary.

By Mr. KILDAY:

H. R. 7455. A bill for the relief of Edward C. Brunett; to the Committee on the Judiciary.

By Mr. KING:

H. R. 7456. A bill for the relief of Daniel H. Dulity; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. R. 7457. A bill for the relief of Frank Lindsen; to the Committee on the Judiciary.

By Mr. MILLER of California:

H. R. 7458. A bill for the relief of Jonna Marie Rasmussen; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H. R. 7459. A bill for the relief of Dr. John M. Maniatis; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H. R. 7460. A bill to exempt certain real property in the District of Columbia from taxation in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WHITE of Idaho:

H. R. 7461. A bill for the relief of Edward Pittwood; to the Committee on the Judiciary.

PETITIONS, ETC

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1909. By Mr. CUNNINGHAM: Petition of approximately 1,200 railway employees, requesting that the railway pension law be amended to read that it will be optional for railway employees to receive their annuity on reaching the age of 60 and having 20 years of railroad service or 30 years of service regardless of age; to the Committee on Interstate and Foreign Commerce.

1910. By Mr. GRAHAM: Petition of 95 residents of Ellwood City, Lawrence County, Pa., in opposition to the Fogarty bill, H. R. 1570; to the Committee on Education and Labor.

1911. By Mr. HAGEN: Resolutions adopted by the board of directors of the Federal Reserve Bank of Minneapolis on February 9, 1950, petitioning the Congress to review the question of salaries for members of the Board of Governors of the Federal Reserve System and to establish their annual salaries at levels commensurate with the responsibilities of their positions, with a view to achieving the highest type of public service in the field of monetary and banking policy; to the Committee on Banking and Currency.

1912. By Mr. HESELTON: Resolutions of the General Court of Massachusetts, memorializing the Congress of the United States to lower the high cost of food; to the Committee on Agriculture.

1913. Also, resolutions of the General Court of Massachusetts, memorializing the Congress of the United States to pass anti-poll-tax legislation; to the Committee on House Administration.

1914. Also, resolutions of the General Court of Massachusetts, memorializing the Congress of the United States to pass antilynching legislation; to the Committee on the Judiciary.

1915. By Mr. HOEVEN: Petition requesting passage of legislation that would prohibit alcoholic-beverage advertising in interstate commerce; to the Committee on Interstate and Foreign Commerce.

1916. By Mr. MILLER of California: Petition of the commissioners of the Housing Authority of the City of Alameda, Calif., requesting passage of S. 2246, a bill to amend the National Housing Act, as amended, and for other purposes; to the Committee on Banking and Currency.

1917. By Mr. SHORT: Petitions of Mrs. James Mason, Dr. Kenneth Glover, Abb Hulen, Virgil Walker, and many others, of Mount Vernon and Lawrence County, urging the passage of the Langer bill, S. 1847, and the Bryson bill, H. R. 2428; to the Committee on Interstate and Foreign Commerce.

1918. Also, petition of the Joplin unit of Missouri Cosmetologists Association, urging the Congress to repeal the wartime excise tax on all cosmetics; to the Committee on Ways and Means.

1919. By Mr. SMITH of Wisconsin: Resolution of Walworth County Petroleum Industries Committee, Walworth County, Wis., urging immediate and outright repeal of the Federal gasoline and lubricating-oil taxes and the Federal automotive excise taxes; to the Committee on Ways and Means.

1920. Also, resolutions adopted at a mass meeting of Lithuanian-Americans held under the auspices of the local branch of Lithuanian-American Council, Inc., favoring immediate ratification of the convention outlawing genocide by the United States Senate; denouncing the Soviet policy of destruction of native population and take effective steps to make Russia respect the principles of the declaration of human rights; urging the Government to use its power and influence to help Lithuania and other Baltic States to regain their freedom and sovereign rights in accordance with the principles of the Atlantic Charter and Charter of the United Nations, and not to make peace settlement with Soviet Russia until this has been achieved; to the Committee on Foreign Affairs.

1921. By Mr. WALTER: Petition of Pennsylvania Cooperative Potato Growers, Inc., Allentown, Pa., opposing the continued price-support program of the Federal Government on potatoes in any form; to the Committee on Agriculture.

1922. By the SPEAKER: Petition of O. A. Richardson, president St. Joseph County Industrial Union Council, South Bend, Ind., supporting the enactment of S. 110 and H. R. 1380, Labor Extension Service bills; to the Committee on Education and Labor.

1923. Also, petition of J. E. Batten, Jr., president, McDowell County Education Association, Welch, W. Va., reaffirming its stand in favor of Federal aid to education; to the Committee on Education and Labor.

1924. Also, petition of Mrs. Clair J. Butterfield, president, Edinboro State Teachers College, Edinboro, Pa., requesting that full support be given Senate bill 246 with certain provisions; to the Committee on Education and Labor.

SENATE

TUESDAY, FEBRUARY 28, 1950

(Legislative day of Wednesday, February 22, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our gracious Father, as our thoughts are hushed to silence may we find Thee moving upon our minds, higher than our highest thought yet nearer to us than our very selves. Before the toil of a new day opens before us we lay before Thee the meditations of our hearts: May they be acceptable in Thy sight.

Prepare us for the solemn role committed to our fallible hands in this appalling day, with its vast issues that concern not only our own dear land, but all the continents and the islands of the sea. Make us ministers of that love which will not halt its growing sway until it joins all nations and kindreds and tongues and peoples into one great fraternity. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, reading of the Journal of the proceedings of Monday, February 27, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

COMMITTEE MEETINGS DURING SENATE SESSIONS

On request of Mr. MURRAY, and by unanimous consent, the Subcommittee on Labor-Management Relations of the Committee on Labor and Public Welfare was authorized to sit during the session of the Senate today.

On request of Mr. MURRAY, and by unanimous consent, the Committee on Foreign Relations was authorized to meet during the sessions of the Senate today and the remainder of the week.

On request of Mr. NEELY, and by unanimous consent, the Committee on the District of Columbia was authorized to meet briefly at 3 o'clock this afternoon during the session of the Senate.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brewster	Hoey	Maybank
Bricker	Humphrey	Millikin
Bridges	Hunt	Morse
Butler	Ives	Mundt
Byrd	Jenner	Murray
Cain	Johnson, Colo.	Myers
Chapman	Johnson, Tex.	Neely
Chavez	Johnston, S. C.	O'Conor
Connally	Kefauver	Robertson
Cordon	Kerr	Russell
Donnell	Kilgore	Saltonstall
Douglas	Knowland	Smith, Maine
Dworshak	Langer	Smith, N. J.
Eastland	Leahy	Sparkman
Ecton	Lehman	Stennis
Ellender	Lodge	Taylor
Ferguson	Long	Thomas, Okla.
Flanders	Lucas	Thomas, Utah
Frear	McCarran	Tobey
Fulbright	McCarthy	Tydings
George	McClellan	Watkins
Green	McKellar	Wherry
Gurney	McMahon	Wiley
Hayden	Magnuson	Williams
Hendrickson	Malone	Withers
Hill	Martin	

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from North Carolina [Mr. GRAHAM], the Senator from Arizona [Mr. MCFARLAND], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Connecticut [Mr. BENTON] is necessarily absent.

The Senator from California [Mr. DOWNEY] is absent on official business.

The Senator from Iowa [Mr. GILLETTE] and the Senator from Florida [Mr. HOLLAND] are absent by leave of the Senate on official business.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. KEM], the Senator from Kansas [Mr. SCHOEPPEL], the Senator from Minnesota [Mr. THYE], and the Senator from North Dakota [Mr YOUNG] are absent by leave of the Senate.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from Kansas [Mr. DARBY] is absent by leave of the Senate on official business.

The Senator from Ohio [Mr. TAFT] and the Senator from Michigan [Mr. VANDENBERG] are necessarily absent.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCCARRAN obtained the floor.

The VICE PRESIDENT. Will the Senator from Nevada yield so the Chair can, without objection, recognize Senators who wish to submit petitions and memorials, introduce bills and joint resolutions, and present routine matters for the RECORD, without debate?

Mr. MCCARRAN. I yield for that purpose.

The VICE PRESIDENT. Without objection, Senators will be recognized for the transaction of routine business.

COMMUNISTS IN GOVERNMENT SERVICE—PERSONAL STATEMENT

Mr. MCCARTHY. Mr. President, I ask unanimous consent to take 1 minute at this time to make a short statement.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Wisconsin may proceed.

Mr. MCCARTHY. Yesterday the senior Senator from Idaho [Mr. TAYLOR] placed in the CONGRESSIONAL RECORD an article entitled "MCCARTHY'S Creaking Limb." It dealt in detail with one of the 81 cases which I discussed on the Senate floor the other night—No. 9. At that time I read from the State Department's loyalty files, which showed that this young man did not get clearance from that Department but subsequently ended up as a White House speech writer. I did not make his name public. Mr. Lloyd, however, recognized the case and stated that he was the young man described—which is true.

It is interesting to note that neither Mr. Lloyd nor Mr. Edson, the writer of this article, in any way question the accuracy of the information which I quoted from the State Department files. I gather from the article that Mr. Lloyd's defense is that he did not realize that the Communist-front organizations which he joined were actually Communist controlled—which, of course, is entirely possible. I understand further from the article that Lloyd claims that in 1945 he went to Europe and his eyes were opened, and, as he says, "it became clear" to him what the Communists were aiming for.

This article would indicate the wisdom of my refusal to go along with the demand of the Senator from Illinois [Mr. LUCAS] to make all names public before the committee had a chance to investigate each case, in that it does indicate the possibility of some of those persons having reformed or having been dupes of the Communist-controlled organizations.

I am inclined to question Mr. Lloyd's reformation, however, in view of his subsequent actions. For example, he prepared a document entitled "President Truman's Loyalty Program," which was furnished to all the White House ghost writers as background material. In this article he very vigorously extolled the virtues of one of Russia's top espionage agents, Alger Hiss. From this article, which was written after Hiss was exposed, it appears that if this young man had his way, Hiss would be back in the State Department, handling secret material and still helping to shape our foreign policy.

I cannot help being suspicious of a reform when the reformer still pleads the old cause.

It is interesting to note, incidentally, that Mr. Lloyd wrote the President's Oklahoma City speech in which he defended his stand insofar as Reds in government are concerned.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AUDIT REPORT OF FEDERAL CROP INSURANCE CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report of the Federal Crop Insurance Corporation, for the fiscal year ended June 30, 1949 (with an accompanying report) to the Committee on Expenditures in the Executive Departments.

REPORT OF PUBLIC HEALTH SERVICE

A letter from the Administrator of the Federal Security Agency, transmitting, pursuant to law, a report of the Public Health Service, for the fiscal year 1949 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Resolutions of the General Court of the Commonwealth of Massachusetts, relating to the high cost of food; to the Committee on Agriculture and Forestry.

(See resolutions printed in full when presented by Mr. LODGE (for himself and Mr. SALTONSTALL) on February 27, 1950, CONGRESSIONAL RECORD, p. 2368.)

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring the enactment of anti-poll-tax legislation; to the Committee on Rules and Administration.

(See resolutions printed in full when presented by Mr. LODGE (for himself and Mr. SALTONSTALL) on February 27, 1950, p. 2368, CONGRESSIONAL RECORD.)

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring the enactment of antilynching legislation; ordered to lie on the table.

(See resolutions printed in full when presented by Mr. LODGE (for himself and Mr. SALTONSTALL) on February 27, 1950, p. 2368, CONGRESSIONAL RECORD.)

A letter in the nature of a petition, signed by Josephine Hudson, and sundry other citizens of Minneapolis, Minn., relating to the so-called Townsend plan, providing old-age assistance; to the Committee on Finance.

A resolution adopted by the Washington Society of Professional Engineers, of Seattle, Wash., favoring an amendment to House bill 1188, defining and regulating the practice of the profession of engineering and creating a board of registration for professional engineers in the District of Columbia; to the Committee on the District of Columbia.

A letter in the nature of a memorial from Worsham Post No. 40, American Legion of Kentucky, of Henderson, Ky., signed by Lucien M. Trimpe, post commander, relating to the Hoover Commission report advocating dismemberment of the Veterans' Administration; to the Committee on Expenditures in the Executive Departments.

Letters in the nature of petitions from Lt. Clyde Doyle, Jr., Post No. 9499, of Bellflower, Calif.; the Lower Yellowstone Auxiliary to Post No. 4099, of Sidney, Mont.; the Ladies Auxiliary to the Veterans of Foreign Wars, Department of Montana, of Havre, Mont.; the Orange County Council of Veterans of Foreign Wars, of Garden Grove, Calif., and the Rayol A. Canfield Auxiliary to Post No. 1087, of Great Falls, Mont., all of the Veterans of Foreign Wars, praying for the enactment of House bill 4617, to liberalize the requirement for payment of pension in certain cases to veterans and their widows and children; to the Committee on Finance.

A telegram signed by Louis B. Seltzer, chairman, and John Kras, secretary, of Cleveland, Ohio, embodying a resolution adopted at a mass meeting of citizens of Cleveland, Ohio, protesting against the alleged abduction and forcible detention of certain Greek children; to the Committee on Foreign Relations.

A resolution adopted by the Gulf States Marine Fisheries Commission, of New Orleans, La., relating to submerged tidelands; to the Committee on Interior and Insular Affairs.

A letter in the nature of a petition from the Oneonta Park Chapter, Daughters of the

American Revolution, of South Pasadena, Calif., signed by Mrs. C. H. Oneal, corresponding secretary, praying for the enactment of legislation to more adequately protect the American flag (with an accompanying paper); to the Commmittee on the Judiciary.

A letter in the nature of a petition from the Pennsylvania Lodge, Fraternal Order of Police, of Harrisburg, Pa., signed by John D. Coleman, recording secretary, relating to the internal security of the United States; to the Committee on the Judiciary.

Resolutions adopted by Ray-Crider-McNabb Post 5595, Veterans of Foreign Wars, of Princeton, Ky.; Presbyterian Woman's Association, of Xenia, Ohio, Catharine Green Chapter, Daughters of the American Revolution, of Xenia, Ohio, and the New London Business and Professional Women's Club, of New London, Ohio, protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A letter in the nature of a petition from the Legislative Committee of the Philadelphia Joint Board of Textile Workers Union of America, of Philadelphia, Pa., signed by Oscar Dewease, chairman, praying for the enactment of the so-called labor extension bill; ordered to lie on the table.

Resolutions adopted by the St. Joseph County Industrial Union Council, of South Bend, Ind., and Local No. 231, United Automobile, Aircraft and Agricultural Implement Workers of America, of St. Louis, Mo., favoring the enactment of Senate bill 110 and House bill 1330, the so-called labor extension bills; ordered to lie on the table.

By Mr. TYDINGS:

Resolutions adopted by the Frederick Junior Chamber of Commerce, Inc., and the Study Committee of the Maryland Committee for Representative Government, of Baltimore, both in the State of Maryland, favoring the adoption of the recommendations of the Hoover Commission on Reorganization of the Executive Branch of the Government; to the Committee on Expenditures in the Executive Departments.

A petition of sundry citizens of Takoma Park, Md., praying the enactment of legislation to balance the budget and reduce the cost of government; to the Committee on Expenditures in the Executive Departments.

Resolutions adopted by the Queen Anne's County Petroleum Industries Committee, the Somerset County Petroleum Industries Committee, and the Worcester County Petroleum Industries Committee, all in the State of Maryland, favoring the enactment of legislation to repeal the excise tax on gasoline; to the Commitee on Finance.

A resolution adopted by the Maryland, Virginia, and District of Columbia Council of Brewery, Yeast, and Soft Drink Workers, favoring the enactment of legislation to repeal Federal excise taxes; to the Committee on Finance.

A resolution adopted by John R. Webb Post No. 3265, Veterans of Foreign Wars, protesting against the adoption of Senate Concurrent Resolution 56, favoring the strengthening of the United Nations and its development into a world federation; to the Committee on Foreign Relations.

A resolution adopted by the Council of Lithuanian Societies, of Baltimore, Md., favoring the ratification of the genocide convention; to the Committee on Foreign Relations.

A resolution adopted by the Woman's Auxiliary to the Baltimore City (Md.) Medical Society, protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

INDEPENDENCE FOR LITHUANIA, LATVIA, AND ESTONIA—RESOLUTION

Mr. LODGE. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by Americans of Lithuanian descent assembled on the 12th day of February 1950, in Greenfield, Mass., to commemorate the anniversary of the independence of the Lithuanian nation.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

RESOLUTION

Americans of Lithuanian descent assembled this 12th day of February 1950, in Greenfield, Franklin County, Commonwealth of Massachusetts, to commemorate the anniversary of the independence of the Lithuanian nation, have unanimously declared that in view of—

(a) The ethnic, cultural, and linguistic individuality and the political traditions of the Lithuanian people;

(b) The ancient Lithuanian statehood dating back to the year 1200 A. D., its splendid historical record of tolerance, of individual, racial, linguistic, and cultural liberty;

(c) The long unceasing and determined struggle of the Lithuanian people against the foreign Muscovite domination and oppression;

(d) The heroic sacrifices of each succeeding generation of the Lithuanian people in the great mass insurrections of 1794–96, 1812, 1863–64, 1905, 1918–20, and the epic Lithuanian fight for the basic human rights, for human dignity, for the freedom of the press and of the printed Lithuanian word during the 40-year suppression of all Lithuanian literary activities, 1864–1904;

(e) The imposition by the Soviet Union, by threat of superior force and connivance with Nazi German war criminals, of a mutual-assistance pact on October 10, 1939, whereby Lithuania granted and leased to the Soviet Union military bases in the strategic centers of Lithuania in exchange for a solemn Russian guaranty of the independence of Lithuania and of Russian noninterference in the domestic, political, social, and economic order of the country;

(f) The Soviet invasion of Lithuania June 15, 1940, violating all treaties—peace pact, the nonaggression pact, and the mutual assistance pact with a guaranty of the political independence and noninterference in the domestic affairs—then and now in force between the Soviet Union and the sovereign Republic of Lithuania;

(g) The Atlantic Charter declaration holding out a promise of the restoration of sovereignty to the peoples forcibly deprived of same and the subsequent embodiment of the Atlantic Charter as a part of the declaration of the United Nations including the Soviet Union on January 1, 1942;

(h) The effective Lithuanian underground liberation struggle during 3 years of German occupation and continuing to this date, directed against Soviet attempts to annihilate Lithuania as a sovereign nation: Therefore, be it

Resolved, To call on the Congress of the United States to create conditions enabling—

The formation of broadly representative interim governments of Lithuania, Latvia, and Estonia;

The repatriation of Baltic deportees from Siberia and northern Russian exile, under the supervision of the United Nations;

The evacuation of the Russian troops, police, and Communist Party apparatus from the territories of the Republics of Lithuania, Latvia, and Estonia helping the sovereign peoples of Lithuania, Latvia, and Estonia to restore their democratic self-governments after the harrowing experiences of three successive hostile occupations; and

The initiation of a move for an immediate admission of Lithuania, Latvia, and Estonia, still full-fledged members of the League of Nations, into the United Nations Organization.

ANDREW W. DEDINAS.
ALEX STEFFINS.
ALBERT F. TOMULIS.
LUCY YAKIM SOKOLSKI.
ANTONINA STEFFINS.
JOHN BUNEVICH.

GENERAL PULASKI'S MEMORIAL DAY

Mr. KNOWLAND. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by Pulaski Post, No. 562, of the American Legion, Los Angeles, Calif., favoring the enactment of legislation designating October 11 of each year as General Pulaski's Memorial Day.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE AMERICAN LEGION, PULASKI POST NO. 562, OF THE CITY OF LOS ANGELES, CALIF., ON JANUARY 20, 1950, MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS, AND THE PRESIDENT OF THE UNITED STATES TO APPROVE, IF PASSED, THE GENERAL PULASKI DAY RESOLUTION NOW PENDING IN CONGRESS

Whereas a resolution providing for the President of the United States of America to proclaim October 11 of each year as General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski is now pending in the present session of the United States Congress; and

Whereas the 11th day of October 1779 is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Hampshire, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin and other States of the Union, through legislative enactment designated October 11 of each year as General Pulaski's Memorial Day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas the Congress of the United States of America has by legislative enactment designated from October 11, 1929, to October 11, 1949, to be General Pulaski's Memorial Day in the United States of America: Now, therefore, be it

Resolved by the American Legion, Pulaski Post No. 562, of the City of Los Angeles and State of California:

SECTION 1. That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States Congress.

SEC. 2. That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice President of the United States, and each of the United States Senators and Representatives from California.

PHILIP A. FINIE,
Post Commander.
FRANK A. HARASICK,
Americanism Chairman.
JOHN KULCZYK,
Post Adjutant.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURRAY (for himself, Mr. THOMAS of Utah, Mr. PEPPER, Mr. GREEN, Mr. KILGORE, Mr. TAYLOR, Mr. HUMPHREY, Mr. NEELY, and Mr. LEHMAN):

S. 3144. A bill to reestablish a Civilian Conservation Corps; to provide for the conservation of natural resources and the development of human resources through the employment of youthful citizens in the performance of useful work, including job training and instruction in good work habits, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. MARTIN:

S. 3145. A bill to amend the act of June 20, 1949, so as to extend retroactively benefits for members and dependents of members of the Reserve components of the armed forces who suffered disability or death from injuries incurred while engaged in training; and

S. 3146. A bill to enable any commissioned officer who was discharged, retired, or released from active service without retirement pay for physical disability to obtain a review of his entitlement to retirement pay for physical disability; to the Committee on Armed Services.

(Mr. HUMPHREY (for himself, Mrs. SMITH of Maine, Mr. BENTON, Mr. SCHOEPPEL, Mr. LEAHY, Mr. HENDRICKSON, Mr. O'CONOR, Mr. AIKEN, Mr. ANDERSON, Mr. BREWSTER, Mr. DOUGLAS, Mr. BUTLER, Mr. DOWNEY, Mr. CAIN, Mr. FREAR, Mr. CAPEHART, Mr. GREEN, Mr. LANGER, Mr. JOHNSON of Texas, Mr. KILGORE, Mr. MARTIN, Mr. LEHMAN, Mr. MORSE, Mr. MAGNUSON, Mr. MUNDT, Mr. MURRAY, Mr. SALTONSTALL, Mr. TAYLOR, Mr. SMITH of New Jersey, Mr. THOMAS of Utah, Mr. THYE, Mr. THOMAS of Oklahoma, Mr. TOBEY, Mr. TYDINGS, Mr. HICKENLOOPER, Mr. HOEY, Mr. PEPPER, Mr. WILEY, Mr. HUNT, Mr. GRAHAM, Mr. KEFAUVER, and Mr. NEELY) introduced Senate bill 3147, to establish a temporary National Commission on Intergovernmental Relations, which was referred to the Committee on Expenditures in the Executive Departments, and appears under a separate heading.)

By Mr. KEFAUVER:

S. 3148. A bill for the relief of Mrs. Chester B. Ingle; to the Committee on the Judiciary.

By Mr. FREAR (by request):

S. 3149. A bill for the relief of Irene Garland; to the Committee on the Judiciary.

TEMPORARY NATIONAL COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. HUMPHREY. Mr. President, on behalf of myself, the junior Senator from Maine [Mrs. SMITH], the Senator from Connecticut [Mr. BENTON], the Senator from Kansas [Mr. SCHOEPPEL], the junior Senator from Rhode Island [Mr. LEAHY], the junior Senator from New Jersey [Mr. HENDRICKSON], the junior Senator from Maryland [Mr. O'CONOR], the Senator from Vermont [Mr. AIKEN], the Senator from New Mexico [Mr. ANDERSON], the senior Senator from Maine [Mr. BREWSTER], the Senator from Illinois [Mr. DOUGLAS], the Senator from Nebraska [Mr. BUTLER], the Senator from California [Mr. DOWNEY], the junior Senator from Washington [Mr. CAIN], the Senator from Delaware [Mr. FREAR], the Senator from Indiana [Mr. CAPEHART], the senior Senator from Rhode Island [Mr. GREEN], the Senator from North Dakota [Mr. LANGER], the Senator from Texas [Mr. JOHNSON], the senior Senator from West Virginia [Mr. KILGORE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from New York [Mr. LEHMAN], the Senator from Oregon [Mr. MORSE], the senior Senator from Washington [Mr. MAGNUSON], the Senator from South Dakota [Mr. MUNDT], the Senator from Montana [Mr. MURRAY], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Idaho [Mr. TAYLOR], the senior Senator from New Jersey [Mr. SMITH], the Senator from Utah [Mr. THOMAS], the junior Senator from Minnesota [Mr. THYE], the Senator from Oklahoma [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], the senior Senator from Maryland [Mr. TYDINGS], the Senator from Iowa [Mr. HICKENLOOPER], the senior Senator from North Carolina [Mr. HOEY], the Senator from Florida [Mr. PEPPER], the Senator from Wisconsin [Mr. WILEY], the Senator from Wyoming [Mr. HUNT], the junior Senator from North Carolina [Mr. GRAHAM], the Senator from Tennessee [Mr. KEFAUVER], and the junior Senator from West Virginia [Mr. NEELY], I introduce for appropriate reference a bill which is a revision of S. 1946, to establish a National Commission on Intergovernmental Relations, now pending on the calendar. This revised bill, I believe, satisfies all the objections raised to the original bill, namely, (1) that the Commission should be temporary in order that the Congress might have an opportunity to review its activities before establishing it as a permanent body; (2) that its membership should be reduced to facilitate prompt action; and (3) that the panel form of selection be eliminated to enable a wider selection of membership. I also point out that the creation of this Commission carries out the cardinal recommendation of the Hoover Commission in the field of Federal-State relations.

I may say that we should welcome the additional sponsorship of any and all Senators not already on the bill.

The bill (S. 3147) to establish a temporary National Commission on Intergovernmental Relations, introduced by Mr. HUMPHREY (for himself and other Senators), was read twice by its title, and referred to the Committee on Expenditures in the Executive Departments.

INVESTIGATION OF MONOPOLISTIC PRACTICES BY BULLION BROKERS, ETC.

Mr. McCARRAN submitted the following resolution (S. Res. 234), which was referred to the Committee on the Judiciary:

Resolved, That the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized to make a full and complete investigation of any and all monopolistic, collusive, coercive, fraudulent, or discriminatory practices or other practices in restraint of trade or tending to lessen competition which are or may be in violation of the antitrust laws, engaged in by bullion brokers or fabricators of silver or manufacturers or distributors of silver compounds, alloys, or other silver products, including, but not limited to, (1) the degree of concentration of monopolistic power in the hands of a single bullion broker or fabricator or group of bullion brokers or group of fabricators or group of brokers and fabricators; (2) the extent of control exercised over wholesale and retail prices and over the spread of prices between or among such brokers, fabricators, manufacturers, and distributors, and the way in which and means by which such control may be exercised; (3) price discrimination, and pricing policies or practices, trade practices or other practices resulting in discrimination in favor of or against certain buyers or classes or groups of buyers, or in favor of or against certain sellers or classes or groups of sellers; (4) control or attempted control or manipulation or attempted manipulation of the world price of silver, and the extent and effects thereof; (5) control or attempted control or manipulation or attempted manipulation of the domestic price of silver, and the extent and effects thereof; (6) agreements, combinations, or concerted or collusive action intended or tending to injure, restrain, or coerce, or to prevent or hinder the establishment or growth of, a competitor or competitors.

SEC. 2. The committee shall report its findings to the Senate at the earliest practicable date, together with such recommendations for legislation and such other recommendations as it may deem advisable.

SEC. 3. For the purposes of this resolution, the committee or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed $, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CARE OF MEMORIAL OF REV. PHINEAS D. GURLEY, FORMER CHAPLAIN OF SENATE

Mr. MARTIN. Mr. President, I have been requested by the junior Senator from Nebraska [Mr. WHERRY], who is temporarily out of the Chamber, to submit a resolution in his behalf and to precede it with the statement prepared by him which I now read:

Mr. President, the grave of one of the most illustrious Chaplains of the United States Senate, Rev. Phineas D. Gurley, Presbyterian minister of the New York Avenue Church of this city during the Civil War period, is badly in need of repair and perpetual care.

Dr. Gurley was Chaplain of the Senate in 1858 and for some time thereafter. He was spiritual advisor to President Lincoln during the Civil War years. He died in 1868 and is buried in this city, at Glenwood Cemetery, where a monument was erected to his memory by devoted parishioners.

In late years this monument and the grave have not been cared for. It will cost a sum of $425 to reset the stone and provide perpetual care for the grave.

In respect for Chaplain Gurley's service to the Senate and to President Lincoln, on behalf of the Senator from Nebraska [Mr. WHERRY], I submit for appropriate reference a resolution to provide for the care of his memorial.

The resolution (S. Res. 235), submitted by Mr. MARTIN (for Mr. WHERRY), was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, out of the contingent fund of the Senate, to Glenwood Cemetery, Lincoln Road, northeast Washington, D. C., the sum of $425, upon receipt by him of such assurances as he may deem necessary that such sum will be used for repairs to the monument erected at the grave of the Rev. Phineas D. Gurley, a former Chaplain of the Senate, and for perpetual care of such grave.

AMENDMENT OF DISPLACED PERSONS ACT—AMENDMENTS

Mr. O'CONOR submitted amendments intended to be proposed by him to the

amendment in the nature of a substitute submitted by Mr. KILGORE (for himself and other Senators) to the bill (H. R. 4567) to amend the Displaced Persons Act of 1948, which were ordered to lie on the table and to be printed.

URGENT DEFICIENCY APPROPRIATIONS—AMENDMENT

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H. R. 7207) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1950, and for other purposes, which was ordered to lie on the table and to be printed.

ADDRESS BY SENATOR SALTONSTALL AT THE NATIONAL BROTHERHOOD WEEK OBSERVANCE

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD the address delivered by Senator SALTONSTALL at the National Brotherhood Week observance held in Baltimore on February 22, 1950, which appears in the Appendix.]

HAPPENINGS IN WASHINGTON—ADDRESS BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD a radio address entitled "Happenings in Washington," delivered by him on February 27, 1950, which appears in the Appendix.]

STATEMENT BY SENATOR LEHMAN ON THE SIGNING OF THE NIAGARA DIVERSION TREATY

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD a statement issued by him on February 27, 1950, in connection with the signing of the Niagara Diversion Treaty between the United States and Canada, which appears in the RECORD.]

ADDRESSES AT TESTIMONIAL DINNER TO HON. ALBERT W. HAWKES

[Mr. BRICKER asked and obtained leave to have printed in the RECORD addresses at a testimonial dinner given to Hon. Albert W. Hawkes, former Senator from New Jersey, by the New Jersey Chapter, Pro America, at Hotel Suburban, East Orange, N. J., October 27, 1949, which appear in the Appendix.]

RELATIONS BETWEEN IRELAND AND THE UNITED STATES—ARTICLE BY ARTHUR KROCK

[Mr. LODGE asked and obtained leave to have printed in the RECORD an article by Arthur Krock, from the New York Times of February 28, 1950, commenting on a dinner in honor of Hon. Sean Nunan, retiring Minister of Eire, which appears in the Appendix.]

JAYCEE DISTINGUISHED SERVICE AWARD TO ALFRED JAMES DICKINSON

[Mr. BYRD asked and obtained leave to have printed in the RECORD a citation awarding the Jaycee Distinguished Service Award to Alfred James Dickinson, of Richmond, Va., which appears in the Appendix.]

JOINT COMMITTEE ON NONESSENTIAL FEDERAL EXPENDITURES—EDITORIAL FROM THE EVENING STAR

[Mr. STENNIS asked and obtained leave to have printed in the RECORD an editorial entitled "A Valuable 'Publicity Medium,'" from the Washington Evening Star of February 27, 1950, which appears in the Appendix.]

DISPLACED PERSONS LEGISLATION—ARTICLE FROM THE LABOR RECORD

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article regarding displaced persons legislation, from the Labor Record of Joliet, Ill., for February 23, 1950, which appears in the Appendix.]

ORGANIZED GAMBLING — EDITORIAL FROM THE SAN ANGELO STANDARD-TIMES

[Mr. JOHNSON of Texas asked and obtained leave to have printed in the RECORD an editorial entitled "Gambling Problem," from the San Angelo Standard-Times of February 20, 1950, which appears in the Appendix.]

PUBLIC INTEREST IN ORGANIZED CRIME—ARTICLES BY BOB CONSIDINE

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD six news articles written by Bob Considine, of the International News Service, relating to alleged national syndicates of gamblers, which appears in the Appendix.]

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. NEELY, from the Committee on the District of Columbia:

Mary C. Barlow, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia to fill a new position; and

Thomas C. Scalley, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia to fill a new position.

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION WITH IRELAND—REMOVAL OF INJUNCTION OF SECRECY

The VICE PRESIDENT. As in executive session, the Chair lays before the Senate Executive H, Eighty-first Congress, second session, a treaty of friendship, commerce and navigation between the United States of America and Ireland, together with a protocol relating thereto, signed at Dublin on January 21, 1950. Without objection, the injunction of secrecy will be removed from the treaty, and the treaty, together with the President's message, will be referred to the Committee on Foreign Relations, and the message from the President will be printed in the RECORD. The Chair hears no objection.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship, commerce, and navigation between the United States of America and Ireland, together with a protocol relating thereto, signed at Dublin on January 21, 1950. The enclosed treaty is a comprehensive instrument which takes into account the developments in international relationships during the past century and is intended to meet effectively the needs of the present day. I consider this treaty to be an important manifestation of the friendly relations between the United States of America and Ireland and commend it to the early consideration of the Senate.

I transmit also, for the information of the Senate, a copy of the minutes of interpretation, initialed on the same date the treaty and protocol were signed, and a report on the treaty made to me by the Secretary of State.

HARRY S. TRUMAN.

THE WHITE HOUSE, *February 28, 1950.*

(Enclosures: (1) Report of the Secretary of State; (2) treaty of friendship, commerce, and navigation, with protocol, signed at Dublin January 21, 1950; (3) copy of minutes of interpretation, initialed at Dublin January 21, 1950.)

DISPLACED PERSONS

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD certain editorials, newspaper articles, communications, and resolutions bearing on the subject of displaced persons.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Tribune of February 4, 1950]

INTERVIEWER PROTESTS AND LOSES HIS JOB

(By William Moore)

WASHINGTON, February 3.—Tired of "whitewashing" fake displaced persons for the Displaced Persons Commission, Edward M. Glazek told a Senate subcommittee today, he complained to Chairman Ugo Carusi of the DPC. Carusi, Glazek said, fired him.

Glazek was an assistant selector for the DPC in Germany until last summer. He appeared voluntarily today before a Senate Judiciary Subcommittee on Immigration, which is studying the new bill to raise the number of DP's admitted to this country.

CHARGES FRAUD, BRIBERY

He told Senator Jenner (Republican, Indiana), Richard Arens, subcommittee staff director, and Frank Schroeder, investigator, that:

1. Fake DP's are being admitted to this country through wholesale fraud and bribery.

2. Bona fide DP's are being kept out in order that their places may be given to foreigners who never were DP's.

3. Many of those being cleared for immigration to the United States were enemies of this country in the war, and these include murderers and perpetrators of atrocities.

4. DPC staffs are under orders not to interview suspected applicants, and to approve their applications as quickly as possible.

5. The United States is taking those who are left after other nations have taken the "cream" of the refugees.

ACTED UNDER ORDERS

Glazek, who lives in Detroit, brought with him copies of the papers he issued to refugees. He pointed out obvious fraudulent statements by the applicants and then told how he justified the frauds to make the applicants eligible to come to the United States.

"This is how I whitewashed this one," he would say, and then give his explanation.

"I am ashamed of this whitewashing, but I was acting under orders."

"You finally ran out of whitewash and had to quit?" asked JENNER.

"That's right," replied Glazek.

ORDERED TO SHUT EYES

Glazek said the International Refugee Organization, which is the global DP unit, would not permit questioning of the papers it issues. The DPC, the American unit, he said, ordered him and the other workers not to investigate, and not to interview suspected applicants. Instructions were, he said, that adverse reports by the Army counterintelligence on suspected subversives were to be given little credence.

Applicants who inadvertently gave information that would have barred them, he said, were told how to correct their statements, and the DPC employees frequently took bribes for this service.

Sometimes, Glazek said, he violated orders and refused to admit a favored applicant. Glazek said his superiors then sent the applicant to another selector and got the applicant approved.

[From the Mobile Press Register of February 8, 1950]

VITAL FOR AMERICA TO GUARD AGAINST INFLUX OF DANGEROUS ALIEN ELEMENTS

Unless the American people are willing to see their country become dangerously infested from abroad by a new motley horde of stinkers, they had better begin listening more carefully to the warnings of such men as United States Senator PAT MCCARRAN of Nevada.

Senator MCCARRAN, as chairman of the Senate Judiciary Committee, is in excellent position to know the score on the alien menace to which a namby-pamby immigration policy would expose the Nation. For one of the duties of his committee is to handle immigration legislation.

Thus when Senator MCCARRAN sounds an alarm, as he has done at the present session of Congress, his words cannot wisely be ignored or lightly dismissed.

Every American citizen who is adequately interested in the future national well-being has cause to alert himself against imminent danger in the face of Senator MCCARRAN'S statements about alien smuggling and pressure-group scheming to use the displaced-persons law as a gangplank for unloading a vast polyglot swarm of foreigners upon the United States.

Senator MCCARRAN declares that pressure groups are using a relatively few war-displaced persons, virtually all of whom are being resettled or repatriated, for the purpose of destroying our immigration barriers, to the end that this country will be inundated with a flood of aliens.

That statement of a United States Senator is something for every American who loves his country to ponder—and ponder now, before the damage emerges from a state of potentiality into a fait accompli.

The United States of America is beset by enough problems and worries without falling hook, line, and sinker for a world-wide displaced-persons racket.

Nobody who places a proper value on established American institutions and national security will ever consent to proclaiming the United States a wholesale dumping ground for all manner of foreign elements.

But the American people need to do more than simply refrain from consent. They need to respond to Senator MCCARRAN'S appeal for expressions to Congress—expressions of a character that will help hold the dikes of our protective immigration system.

Senator MCCARRAN says facts developed through study and investigation point to the inescapable conclusion that the floodgates of this Nation are being pried open for the entrance of millions of aliens, from the turbulent populations of the entire world, who are seeking admission into the United States under the guise of displaced persons.

He emphasizes that by the time this country's present displaced-persons law expires there will be hardly any bone fide war-displaced persons in the whole of central Europe.

"At the end of the war," says the Nevadan, "the Allied armies in central Europe became the guardians of approximately 8,000,000 persons who had been displaced during the war.

"Within a few months after the war, approximately 7,000,000 of these persons were repatriated to their native countries, leaving about 1,000,000 persons who, because of fear of persecution, refused to return to their homelands.

"By the expiration date of our present displaced-persons law (June 30, 1950), there will remain only a few thousand such war-displaced persons in central Europe, other than the so-called hard core who, because of social or physical disqualifications, are ineligible for resettlement."

Why, then, all the clamor to fix it so great droves of other foreigners can stream into the United States under the false pretense of being war-displaced persons?

Why should this country throw open its immigration gates to everything alien from riffraff to unknown?

If aliens fraudulently parading as war-displaced persons are to be imported into the United States on reckless scale and turned loose to do whatever mischief they choose, from swindling to spying, how does it happen that American taxpayers have been sending billions of dollars abroad to help rebuild foreign economies?

Is the real idea of the generous gift giving by the United States simply to tide over countless thousands among alien populations until they can be brought to the United States under a bogus label of having been displaced by war?

There is grave danger for the safety of this Nation in spurning caution to permit a harum-scarum alien infiltration.

Senator MCCARRAN sees unwise laxity in administering the present displaced-persons law.

Of this he says: "Inadequate screening of applicants, with little or no regard for background, political beliefs, and predilections of applicants, has opened the gates to persons who will not become good citizens and who will become ready recruits in subversive organizations to tear down the democracy of the United States."

That is a severe and shocking indictment of the administration of the law.

Senator MCCARRAN points out (and this is something else for all solid Americans to ponder) that "the Attorney General of the United States recently testified that an analysis of 4,984 of the more militant members of the Communist Party in the United States showed that 91.4 percent of the total were of foreign stock or were married to persons of foreign stock."

Americans afflicted with the kind of sentimentality that makes them easy prey of opponents of cautious immigration policy should hurry to their doctor if unimpressed by this statement of the chairman of the Senate Judiciary Committee.

On top of the alien menace that can bore its way into the country through ordinary immigration channels unless due vigil is maintained, the smuggling of aliens is a source of danger.

Senator MCCARRAN calls attention to this by reminding that during the last year 412 smugglers of aliens were arrested, but, of course, the number who were actually smuggled into the United States is unknown.

How many untrustworthy and dangerous foreigners have come into the United States within the last several years by hook or crook or other means?

How many foreign-born and offspring of foreign-born have adopted criminal careers in the United States?

Whoever assumes the number is small or anything like it does not keep up with the daily police news. Foreign names stand out conspicuously in the ranks of the Nation's underworld, among the racketeers, gangsters, and killers.

Remove the elements of alien stock, influence, and trait, and major crime in the United States would by no means approach its present proportions.

Instead of weakening its guard and relaxing its watch, the United States should show more diligent concern about the alien situation. For this situation, if neglected, threatens disastrous consequences for the United States.

Senator MCCARRAN has sounded warnings which ought to be sufficient for all genuine, thinking Americans, native and otherwise.

Many high-caliber Americans have come from abroad and meant much to the country, of course. Others will come and receive a deserved welcome. The urgent immigration job confronting the Nation is to rule out the foul and dangerous.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
DEPARTMENT OF ARIZONA,
Globe, Ariz., February 7, 1950.

Hon. PAT MCCARRAN,
United States Senator,
Washington, D. C.

DEAR SENATOR MCCARRAN: I received your booklet relative to displaced persons. This is to inform you that the Department of Arizona, Veterans of Foreign Wars, is wholly in sympathy with your viewpoint. In fact, at a council of administration meeting at which members of the VFW from all over the State gathered, it was unanimously voted on to be against, as you state, "opening the floodgates of this Nation for the entrance of millions of aliens from the turbulent populations of the entire world." In fact, the council was in favor of making the immigration laws more stringent.

I am sending a copy of this letter to each of our Congressmen and Senators from this State.

Very truly yours,
BARRY DE ROSE,
Department Commander.

HARDY, ARK., *February 11, 1950.*

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR MCCARRAN: At a regular, scheduled meeting of this combined Veterans of Foreign Wars and American Legion, Posts 4677, 92, I, as commander of the VFW, read your pamphlet on the evils of unrestrained immigration.

I'd like to impress you with the fact that the ex-servicemen in this community take this matter very seriously. As a former enforcement officer in the Immigration and Naturalization Service, I have been able to explain the ramifications of immigration and naturalization to these men. I am aware of the fact that our immigration and naturalization is, and always has been, hampered by lack of funds and personnel.

Almost every man in these two outfits has served overseas in War I or II. They have seen the evil of the radical groups and realize that there is small hope of assimilation of these pressure groups. All seem to feel that our Government should confine itself to the healthy admission of aliens on the quota and nonquota plans as heretofore worked out by Congress. All feel that some small percentage of people should, in compassion, be allowed to enter under the displaced person plan. This after very careful mental, physical, and political scrutiny.

In the matter of unrestrained admission of aliens to this country, the veterans who have by their sacrifices preserved this country, are, in this locality, unanimous in their declaration that this should not be allowed. These combined veterans' posts appeal to you to

use every means in your power to put a stop to this condition once and for all. These posts apply to you for alleviation of the abysmal ignorance on immigration that seems to be prevalent in this country and makes these abuses possible.

In the hope that you will keep us informed and assuring you of our support in your campaign, I am

Respectfully,

THOMAS E. HARDY.

STATE OF FLORIDA,
BEVERAGE DEPARTMENT,
Jacksonville, Fla., February 6, 1950.

Hon. PAT MCCARRAN,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Permit me to acknowledge and to thank you for your statement on "Displaced Persons: Facts vs. Fiction" which you were kind enough to send me.

After 34 years in the Government service, 12 of which were in the Federal Bureau of Investigation, Department of Justice, as special agent and special agent in charge, I am thoroughly convinced that many of these so-called displaced persons are fictions and are rapidly taking jobs in our country that should go to American-born citizens, thus increasing, from year to year, our unemployed situation.

Also, permit me to state that I am in hearty accord with your reasoning on page 6 (top) in which you say:

"I am confident, on the basis of my investigation that there is a complete breakdown in the administration of the law. Inadequate screening of applicants, with little or no regard for background, political beliefs, and predilections of applicants, has opened the gates to persons who will not become good citizens and who will become ready recruits in subversive organizations to tear down the democracy of the United States."

Very truly yours,

HOWARD P. WRIGHT,
Special Investigator.

JANUARY 21, 1950.

Whereas for the last 2½ years a Senate committee has been investigating our entire immigration and naturalization system; and

Whereas their report shows that the floodgates of our Nation are opened for the entrance of millions of aliens from all over the world who are coming in as displaced persons; and

Whereas certain pressure groups have been lobbying in the Congress for the repeal of all our safeguards on immigration and are spending millions of dollars for the dissemination of propaganda for that purpose; and

Whereas our country operates under an immigration-quota system, whereby approximately 154,000 quota immigrants may be admitted every year for permanent residence, also United States citizens may bring in their relatives on a nonimmigration quota; and

Whereas certain pressure groups are trying to drive the Celler bill (H. R. 4567) through the Senate, which provides the admission of some 15,000 persons from behind the iron curtain who have not yet been displaced; and

Whereas an official of our principal intelligence agency (operating abroad), expressed his opinion that this provision of the Celler bill would constitute a dangerous threat to the security of the United States and would be another loophole for the infiltration of Communist agents; and

Whereas upon uncontested evidence of a complete break-down in the administration of the immigration law which has opened the gates to persons who will not become good citizens, but will become ready recruits in subversive organizations to tear down the democracy of the United States; and

Whereas during the first 6 months of 1949, illegal entries over the Mexican border were at a rate of 25,000 a month and a former American consul on the Canadian border estimated the number of illegal aliens in the United States to be from 3,000,000 to 5,000,000: Therefore be it

Resolved by the Ladies of the Grand Army of the Republic, Department of the Potomac, in regular convention assembled this 21st day of January 1950, That we will oppose with all our strength and will immediately inform our members of the United States Senate that they must protect our immigration system and promptly provide funds for the detection and deportation of these thousands upon thousands of aliens who have illegally entered our borders; be it further

Resolved, That a copy of this resolution be transmitted to Senator PAT MCCARRAN, with the request that he place it in the CONGRESSIONAL RECORD.

MARGARET HOPKINS WORRELL,
Chairman, Resolutions Committee,
Ladies of the Grand Army of the Republic.

WASHINGTON GROVE, MD., *February 8, 1950*

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR: You may have seen the enclosed clipping in the Washington Post of February 8, 1950. If you have, or when you are through with it, will you please place it in the hands of one of your committee members, who may need it? The facts therein are not overdrawn.

It does seem to me nothing less than criminal for Congress to open our country to a horde of undesirables who are, in the main, coming here because Americans are suckers and just ripe to be exploited. Obviously many get here by fraud, bribes, perjury, and other forms of crookedness, and they will continue, when here, to have the attitude that they can continue living here by fraud, crookedness, bribes, and the like. Ten years from now, the American people will wake up to the fact that a lot of slick pressure groups not interested in the welfare of the United States, but for their own particular pals in Europe, have succeeded in saddling our country with the most undesirable of all of Europe's riffraff.

Respectfully,

OSCAR E. LANCASTER.

P. S.—The hordes that poured out of Russia and now are pressuring to get into the United States clearly did not leave Russia because they were opposed to communism, but because they knew they could not exploit the Communists as readily as they could exploit us.

O. E. L.

[From the Washington Post of February 8, 1950]

DP PROGRAM IN MARYLAND UNDER ATTACK

(By John W. Ball)

Widespread dissatisfaction among farmers in the Washington area over the resettlement of displaced persons on nearby farms was given pointed expression in Anne Arundel County, Md., yesterday.

There the three-man committee, appointed by Gov. William Preston Lane, Jr., to direct the resettlement program, resigned. A stinging criticism of the conduct of the DP program, which the three called "slovenly" as well as "wholly inefficient and uncoordinated," accompanied their resignation.

"We have been bitterly disillusioned," Benjamin Watkins 3d of Davidsonville, chairman; Charles B. Lynch, and J. Irving King wrote. "Our experiences force us to the conclusion that the program as now operated is not in the best interests of the Maryland farmer, not indeed in the best interests of the United States."

The DP situation in Maryland and Virginia has been the subject of scores of complaints. The Maryland Farm Bureau on January 11 registered bitter disappointment and asked for stiff laws governing DP's now here.

On December 31, a total of 402 families listing 196 persons had been brought into Maryland, records show.

Anne Arundel got fewer than most counties. The records a month earlier showed Queen Anne County with 41 families and 11 persons the largest. Howard had 36 families and 88 persons; Carroll 31 families and 78 persons; Charles County 15 families and 67 persons; Prince Georges 13 families and 46 persons; Anne Arundel 2 families and 36 persons; Montgomery 9 families and 30 persons; Calvert 8 families and 35 persons; and St. Mary's 2 families and 9 persons.

In January State officials estimated that 40 percent of the DP's had left their sponsoring farms, some within a week of their arrival.

A recent congressional report showed Virginia, Maryland, and Mississippi as the only three States dissatisfied with operation of the DP program.

Maryland farmers, according to David L. B. Fringer, Maryland employment service director said, suffer from chronic shortage of skilled farm labor. At the same time there is a surplus of unskilled labor. When the DP program started, it was thought Maryland offered a great opportunity to skilled farm hands.

Instead, all types of workers, from dentists and doctors to butchers, shoemakers, and even a 10-year professor of civil engineering in a large European college, were imported as skilled farm hands.

UKRAINIANS TOP LIST

The majority in Maryland were Ukrainians, brought by the United Ukrainian-American Relief Association. Other agencies bringing in DP's were the National Catholic Welfare Society, the Lutheran League, the Hebrew Immigrant Aid, Church World Service, United Service for the New Americans, and the Friends Society.

"We feel that in giving asylum to the oppressed and needy refugees we would be giving new hope to people desperately in need of assistance," the Anne Arundel committeemen wrote.

"We assumed that they would be carefully screened, and that we would be opening the door of opportunity to people who were qualified for the work that they had represented themselves competent to do * * * and who desired, above all things, to attain citizenship.

"DEVOID OF GRATITUDE

"It has been our experience that while some are giving a high degree of satisfaction, many who have had extraordinarily fine placements have not only been unqualified for the work they had represented themselves capable of doing, but have proved themselves devoid of gratitude or a sense of moral obligation.

"It is an uncontestable fact that no agency of the Federal Government has any clear idea of the whereabouts of thousands of refugees who have recently entered the United States."

MILWAUKEE, WIS., *January 24, 1950.*

The Honorable PAT MCCARRAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MCCARRAN: I wish to acknowledge receipt of a copy of your statement entitled "Displaced Persons: Facts Versus Fiction."

Personally I have not been in sympathy with opening the doors of our United States to foreigners simply because they have either moved from one place to another, or, due to

war were forced to vacate their homes, not due to causes created by our Government or its military forces.

We have already seen some of this flock early in the late war sheltered at Fort Porter, or some post in that vicinity. We believe that they bring with them too much European influence on our own foreign-born citizens and of the first American generation, and may influence legislation which is more European than American, with the consequent lowering of American standards which we, old Americans, have built up through the centuries, or at least since the signing of our Federal Constitution.

It appears that those with a foreign accent, within our borders, are those who approve of what we commonly refer to as a "police state" or a "socialistic state" merely due to the fact that they have not yet been absorbed into our American ways of life.

We believe that our present administration is going too damn far in attempting to take care of the rest of the world, outside of our borders, whereas our American Indians, right in Wisconsin, are again going hungry and cold and must rely on local aid, even though the reservation law under Federal control exists.

We believe that immigration should be held to a minimum. That immigrants be thoroughly screened by screened immigration officials. We believe that a more effective border control be established and that those foreigners entering have their movements checked.

The foreign-born are the easiest meat for union organizers. They are used to taking orders. They are used to letting others do their thinking for them, and in turn, they are used to violence in our more or less free way of law enforcement.

We believe that from now on we should think and act for the good of the United States of America and let other nations follow our example if they so desire.

Sincerely yours,

REINHOLD C. DEDI, Sr.

NEW YORK, *January 25, 1950.*

United States Senators.

GENTLEMEN: Please no more DP's. Let Americans catch up and live. Let them stay right where they are. Three hundred and twenty thousand now on relief in New York City. Three hundred thousand men die in last war, so please do not knock down our immigration barriers; so, gentlemen, let us protect our citizens.

Yours,

WM. JONES.

BRIDGEPORT, CONN., *January 25, 1950.*

SENATE JUDICIARY COMMITTEE,
Washington, D. C.

GENTLEMEN: In view of the rising unemployment, continued housing shortage and the possibility of increasing the number of subversive persons in this wonderful country, I request that you vote to prevent the entrance of displaced persons.

Very truly yours,

JACQUES H. SCHINDLER.

UNITED STATES SENATE,
Washington, D. C., January 16, 1950.

IMMIGRATION SUBCOMMITTEE,
SENATE JUDICIARY COMMITTEE,
Senate Office Building,
Washington, D. C.

DEAR SIR: I am enclosing herewith a letter and a resolution addressed to this office by Mr. Robert Leiknu, Commander of American Legion Post No. 38 of Miller, S. Dak., with regard to the entry of displaced persons into this country and which I hope you will add to your study of this subject. With best wishes, I am,

Cordially yours,

KARL E. MUNDT,
United States Senator.

AMERICAN LEGION,
HAND COUNTY POST, NO. 38,
Miller, S. Dak., January 13, 1950.

The Honorable KARL MUNDT,
United States Senator from South Dakota, Senate Office Building,
Washington, D. C.

DEAR SIR: Pursuant to a resolution passed by the Hand County Post No. 38, of the American Legion at Miller, S. Dak., a copy of which is enclosed, and pursuant to directions from the membership, we are writing to you on behalf of the Hand County Post. It was called to the attention of the Legion membership at the regular meeting that two ex-GI's and one other person probably have lost their employment because of the fact that their employers had applied for and obtained assurances that they would secure deposed persons from Europe to take their place; and that the regulations for the admission of displaced persons and the taking of displaced persons require that such placement of such persons shall not take away the employment of any persons or shall not reduce the number of jobs available. That such employers' names and addresses are as follows: Joe Roalstad, Miller, S. Dak.; Roy Allgair, Ree Heights, S. Dak.; W. H. Molesworth, Miller, S. Dak.; and that the persons who were employed by such employers before and after the application of such employers for deposed persons were as follows: Wayne Edwards, Miller, S. Dak.; Maurice Hartman, Miller, S. Dak., and A. K. Burgher, Miller, S. Dak. It was further called to the attention of the post from the floor that available opportunities for employment in this county are less than at any time since the war.

On behalf of the post action to request that an investigation be made into the matter of handling displaced persons and that greater care be exercised in their placement to the end that employment of ex-GI's and others be not disrupted and jeopardized both locally and the country over.

We urge that the unemployment situation be reexamined and that additional safeguards be provided against any displacement of employed citizens, particularly former GI's, by displaced persons before additional numbers be permitted to come into this country and we hope that Congress will make a general investigation as to whether unemployment will increase as a result of further admissions of deposed persons before providing further admission of additional hundreds of thousands. The membership of the post feels greatly concerned about this matter and urge that the matter be given much consideration before the vote on the new deposed-persons bill comes up.

Very truly yours,

ROBERT C. LECKNER,
Commander, Hand County Post, No. 38.

RESOLUTION ADOPTED BY THE HAND COUNTY POST, NO. 38, MILLER, S. DAK., AT A REGULAR MEETING HELD JANUARY 10, 1950

"Be it resolved by the membership of Hand County Post, No. 38, of the American Legion at Miller, S. Dak., That it appearing that possibly two ex-GI's and one other resident of this county have lost their employment by reason of their employers applying for and receiving assurances that they would get deposed persons from Europe to work for them, and that such actions are contrary to law and likely to cause unemployment of ex-GI's and others and that the same is unjust; that the commander of this post be authorized and directed to communicate and express our feelings to the Immigration and Naturalization Service and United States Senators and Representatives and the State and national officers of the American Legion, asking that investigation be had and that corrective measures be taken, and that the entire employment situation in this country be reviewed before additional deposed persons be admitted to this country."

The above resolution was duly moved and seconded for adoption and by unanimous vote was adopted and made a part of the minutes of the meeting, certified to be a copy of the original resolution.

ROBERT LECKNER,
Commander.
TRUMAN D. ELDER,
Adjutant.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, February 14, 1950.

The Honorable PATRICK MCCARRAN,
The United States Senate,
Washington, D. C.

DEAR SENATOR MCCARRAN: I have just received the reprint of a statement by you concerning displaced persons. I am heartily in accord with your statement. We have had one experience and that was in accord with your observation, namely, that the screening was very poor on the other side. I believe these individuals who came to our house were Communists, and finally, that the Church World Service is not doing a satisfactory job, in my opinion.

I think your statement is very timely.

Very sincerely,

EUGENE P. PENDERGRASS, M. D.

DENVER, COLO., *February 21, 1950.*

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR: As a Catholic and member of the K. of C. I have yet to hear anyone speak in favor of the DP bill.

Sincerely hope, through your efforts, this bill is defeated.

Very truly yours,

ELMER GOULD.

Mr. MCCARRAN. Mr. President, I move that the Senate proceed to the consideration of the committee amendments.

The VICE PRESIDENT. It is not necessary that a motion to that effect be made. Committee amendments are first considered in the regular course.

Mr. MCCARRAN. I know it is the regular procedure that committee amendments be first considered, but I simply wanted the Presiding Officer to indicate that that course would be followed.

Mr. President, H. R. 4567, a bill to amend the Displaced Persons Act of 1948, is before the Senate, as amended by the Judiciary Committee. Much information and misinformation has been broadcast throughout the country as to the operation of the displaced-persons law, and the effect of H. R. 4567, as passed by the House of Representatives. Misstatements and misrepresentations on this subject have received such wide publicity that scores of our citizens honestly believe that the present displaced-persons law discriminates against Catholics and Jews, and that this alleged discrimination would be eliminated by a series of amendments to the present law contained in House bill 4567.

When the charge of discrimination was first made, I was naturally quite concerned because I was a member of the Committee on the Judiciary which drafted the Displaced Persons Act. I remembered that one of the paramount objectives before us at all times was to write every section and subsection in such a manner that the basic principles embodied therein would apply equitably

to each individual who qualified as a displaced person, so that there would be no discrimination against any element, group, nationality, or religion. When the charge of discrimination was made more than a year ago, I determined that this charge, as well as others, which have been given wide publicity should be thoroughly investigated. After months of hearings, study, and investigation, I am satisfied that the charge of discrimination is not founded on fact; that the Displaced Persons Act does not discriminate against Catholics or Jews, as alleged; and that this fact has been demonstrated by the record.

It will be recalled that during the present Congress there have been referred to the Committee on the Judiciary some 20 bills involving many issues on the subject of displaced persons. A Subcommittee on Immigration of that committee, consisting of the Senator from Maryland [Mr. O'CONOR], the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. DONNELL], and the Senator from Indiana [Mr. JENNER], with myself as chairman, has held hearings over the past year on the various issues presented in these many bills, culminating in a series of recommendations which were presented as amendments to the so-called Celler bill, and adopted by the full Committee on the Judiciary. Because of the complexity and interrelation of these many issues, the work of the Subcommittee on Immigration has necessarily been exacting and detailed, resulting in voluminous hearings on the subject of displaced persons, as well as the effect of such legislation on the general immigration laws of the United States. We have been vigorously criticized by those who sponsor special-interest legislation for taking the time and patience to investigate the many ramifications of amendments proposed to the present law. Many of us who are vitally interested in preserving our general immigration laws have been held up to public ridicule in certain newspapers and special-interest publications, with articles and cartoons depicting us as inhuman ogres, but I am content to stand upon the record, Mr. President. The ultimate preservation of our quota immigration system more than justifies the work of this subcommittee, and I should like to take this opportunity to publicly thank the other members of the subcommittee for their diligence and hard work, and for their patience in sitting through the many hours of hearings required on this subject.

It will also be recalled, Mr. President, that when it became apparent last fall to the members of the Judiciary Committee that an investigation of the operations and administration of the present law in Europe could not be made without an on-the-spot study, because of the unavailability of witnesses in this country, the Judiciary Committee authorized me, as chairman of the committee, to make such a study, so that any recommendation of the committee with respect to amending the present law might be based upon a full knowledge of the administration of the present law. The committee recognized that the law does not expire until June 30, 1950; that there was, therefore, no immediate necessity of passing additional displaced-persons legislation during the last session; and that there was ample time to enact, during this session of Congress, such legislation as might be found to be necessary, after the committee had completed its investigation and study of the many bills pending before it.

Unfortunately, Mr. President, and notwithstanding that the Subcommittee on Immigration had not yet completed its study, during the closing hours of the last session of Congress, House bill 4567, the so-called Celler bill, was rushed to the floor of the Senate, without amendment and without recommendation. I do not question for a moment, Mr. President, the good faith of Senators who sponsored that last-minute drive, nor do I question for a moment their right to do so. But I was then, and I am now, convinced that passage of the Celler bill in the form in which it came to the Senate from the House would have been a serious and grievous mistake. I was not then, nor am I now, alone in that conviction. During my investigation in Europe, I was repeatedly told by officials of the Immigration and Naturalization Service, officials of the Consular Service, officials of the European command of the United States Army, and even officials of the Displaced Persons Commission, that the so-called Celler bill should be amended in numerous particulars, and that it would be a mistake to pass the bill as passed by the House of Representatives. I conveyed this information by cable to a number of Senators. A majority of the Senate evidently concurred in the view that hasty action might be a serious mistake, and voted to recommit the bill to the committee for further study and consideration, with instructions to bring the bill back by January 25. In compliance with this instruction, it, therefore, became necessary to incorporate the findings and recommendations of our committee in House bill 4567 by way of amendments. This we have done; and the bill as amended is now before the Senate.

I am confident that a comparative analysis of the law as enacted in 1948, with House bill 4567, as passed by the House of Representatives, and with the bill as amended and reported by the Judiciary Committee of the Senate, amply supports the wise judgment of the Senators who voted at the close of the last session to recommit the bill for further study and consideration.

With reference to pages 2 and 3 of the bill, as reported, Senators will note that the bill as passed by the other body changes the so-called cut-off date under section 2 (c) of the act from December 22, 1945, and January 1, 1948, respectively, to January 1, 1949, as to having entered into Germany, Austria, or Italy, and being in these areas for eligibility. That is the only proposed change in this section of the existing law; and Senators should note that eligibility is dependent upon the definition of a displaced person in subsection (b), which subsection by reference incorporates annex 1 of the constitution of the International Refugee Organization, and gives to that agency the right to determine who is a displaced person for eligibility under the act. The Judiciary Committee of the Senate has amended H. R. 4567 by striking out the language appearing on pages 1 and 2 of the bill, as reported, and inserting in lieu thereof an amendment to subsection (b) of the act specifically defining a displaced person. It should be noted that the so-called cut-off dates for eligibility are incorporated in the definition. The cut-off date included in the definition is January 1, 1949. Because the cut-off date on eligibility is included in the definition of a displaced person, the committee amendment amends subsection (c) of section 2 of the present act by deleting the cut-off dates set forth at the beginning of said subsection, and subsection (c) appearing on pages 4 and 5 of the bill, as reported, is what remains of subsection (c) of the act of 1948.

It should also be noted that the definition of a displaced person in subsection (b), as amended by the committee, not only includes all persons eligible under annex 1 of the constitution of the International Refugee Organization, but also includes certain persons who are specifically excluded by the terms of said constitution, such as persons of German ethnic origin. The definition includes natives of Czechoslovakia, for which provision is made in subsection (d) of section 2 of the act; includes natives of Greece who are now ineligible because of the aforesaid constitution of the International Refugee Organization; and also includes certain members of the armed forces of the Republic of Poland who are now ineligible under the aforesaid constitution, and for whom special provision was made in section 4 of the bill, as passed by the House of Representatives.

The bill, as passed by the House of Representatives, amends subsection (d) of section 2 of the act of 1948 by omitting specific reference to natives of Czechoslovakia and including all countries behind the so-called iron curtain so that not to exceed 15,000 persons from these countries who are either now in, or may come into, Italy or the American, British, or French sectors of Berlin or Vienna, or the American, British, or French zones of either Germany or Austria, would be eligible displaced persons. Because of the amendment to subsection (b) of the act defining displaced persons, the bill, as amended by the committee and reported to the Senate, on pages 5 and 6 strikes out section 2 of the bill as passed by the House of Representatives. Section 2 of the bill, as reported, repeals subsection (d) of section 2 of the act of 1948, as natives of Czechoslovakia are included in the definition amendment to subsection (b) of section 2 of the act of 1948.

The bill as passed by the House of Representatives amends subsection (e) of section 2 of the act of 1948 relative to displaced orphans by increasing the age limit from 16 years to 19 years of age, and by making provision for abandoned or deserted children. The bill, as reported by the committee, reletters subsection (e) as (d), restores the age limitation to 16 years as provided in the act of 1948, retains the provision for abandoned or deserted children; and, because

of the expanded definition of displaced persons in subsection (b) aforesaid, the committee has deleted the limitation of physical presence with respect to sectors and zones in this subsection of the act of 1948.

The bill, as reported, contains a new subsection (e), defining a "child" to include a legally adopted child, so that legally adopted children will not be excluded because of the general immigration laws of the United States.

Section 4 of the bill, as passed by the House of Representatives, and found on pages 8 and 9 of the bill as reported to the Senate, amends section 3 of the act of 1948, increases the number of displaced persons who may be admitted under the act of 1948 from 205,000 to 339,000 and provides for not to exceed 5,000 special nonquota immigration visas to eligible displaced orphans. Of the total numerical limitation of 339,000 quota visas, 4,000 would be issued to persons who resided in Shanghai, China, and 18,000 would be issued to certain members of the armed forces of the Republic of Poland. It should be pointed out here that section 2 of the bill, as passed by the House of Representatives, also provided for the issuance of 15,000 of the foregoing total quota immigration visas to persons who have come or may hereafter come into Germany, Austria, or Italy from so-called iron curtain countries.

The bill, as reported to the Senate, omits the aforesaid 4,000 visas to residents of Shanghai, China, omits the aforesaid 15,000 visas to persons from countries behind the iron curtain, and increases the total number of quota visas authorized to be issued from 205,000, as provided in the act of 1948, to 320,000, instead of 339,000, as provided in the bill passed by the House of Representatives. Of the total numerical limitations of 320,000 in the bill, as reported to the Senate, 290,000 visas are authorized to be issued to persons embraced in the general definition of displaced persons, 2,000 are authorized to be issued to displaced persons who are natives of Czechoslovakia, as provided in the act of 1948; 10,000 are authorized to be issued to persons who are natives of Greece, as defined in the definition in the bill as reported; 18,000 are authorized to be issued to members of the armed forces of the Republic of Poland, as defined in the definition in the bill, as reported, and as provided in section 4 of the bill as passed by the House of Representatives.

In addition, the bill, as reported, authorizes the issuance of 5,000 special nonquota immigration visas to eligible displaced orphans, as provided in the bill passed by the House of Representatives, and further provides that not more than 5,000 minors under the age of 16 years may be admitted if they are legally adopted in a court of competent jurisdiction, prior to June 30, 1951, by a citizen of the United States who is a member of the armed forces of the United States stationed in Germany, Austria, or Italy, or who is a civilian employee of the United States in Germany, Austria, or Italy. For the purposes of our general immigration laws, such persons shall be deemed to be the natural born alien children of such adoptive parent and entitled to be admitted without visa. Let me say at this point, Mr. President, the able senior Senator from Maryland [Mr. TYDINGS] was exceedingly instrumental in bringing about the amendments with reference to orphans. This provision is found on pages 12 and 13 of the bill as reported to the Senate.

Section 4 of the bill, as passed by the House of Representatives, further amends section 3 of the act of 1948 by providing that not more than 25 percent of the quota visas issued under the act shall be charged to the immigration quotas of the displaced persons' nationality in any fiscal year, instead of the limitation in the act of 1948 that not more than 50 percent of such quotas shall be so charged in any fiscal year. The bill, as reported to the Senate, restores the so-called 50 percent mortgaging of quotas as provided in the act of 1948. This section of the bill, as passed by the House of Representatives, would add a new eligibility by setting aside not more than 50 percent of the nonpreference portion of the immigration quotas, as defined in the Immigration Act of 1924, for displaced persons who have emigrated to other countries for resettlement provided that they have not been firmly resettled in such country. The bill, as reported to the Senate, omits this provision with respect to displaced persons who have been resettled in other countries.

Section 4 of the bill, as passed by the House of Representatives, further amends section 3 of the act of 1948 by deleting the requirement that 40 percent of the visas issued pursuant to the act shall be available exclusively to persons whose place of origin or country of nationality has been de facto annexed by a foreign power. The bill, as reported to the Senate, restores this requirement. It may be said here that persons covered by this limitation are the least likely to be repatriated to their country of nationality or origin.

The bill as passed by the House of Representatives, and as reported to the Senate, adds a new subsection (d) to section 3 of the act of 1948 requiring administration of the act without discrimination.

The bill, as passed by the House of Representatives, and as reported to the Senate, amends section 4 of the act of 1948 by advancing the date from April 1, 1948, to April 30, 1949, prior to which displaced persons residing in the United States temporarily may adjust their status to permanent residence.

The bill, as passed by the House of Representatives, amends section 6 of the act of 1948 by omitting the preference which is given to displaced persons who have been engaged in agricultural pursuits. The bill, as reported to the Senate, restores this preference and provides that such persons must have been for at least 2 years at some previous time or times engaged principally in agricultural pursuits, and requires that such person will be employed in the United States principally in agricultural pursuits.

Section 7 of the bill, as passed by the House of Representatives, and as reported to the Senate, amends section 7 of the act of 1948 by eliminating the priority given to displaced persons residing in displaced-persons camps and centers.

I might say at this point, Mr. President, as regards the provision in the Senate bill of 1948, and as regards the bill which is now before the Senate with reference to displaced persons coming into agricultural pursuits, that there is today a crying need throughout the length and breadth of the agricultural regions of America for farm workers. Farmers are looking for farm labor in all the great agricultural areas. They are unable to get farm labor to work on the farms. For the past several years hundreds of thousands of Mexican laborers have been brought into this country, across the Mexican line, on temporary status to work on seasonal crops. We have been bringing hundreds of thousands of persons from the Gulf islands, from the West Indies, to work on crops in the Southern States. They come in on temporary status. They are supposed to go back to their native countries. The demand for farm labor in the large agricultural States has been great. There was and is opportunity for honest farm labor to find occupation in America.

When we were drafting the 1948 bill we had in mind, first of all, the fact that we were exceedingly short in housing. Second, the farm industry of America was crying for farm labor. So we set about to select, if possible, from the thousands of displaced persons in Europe those who had been accustomed to engaging in farm work, because, first of all, they would not displace anyone who then had a job, and, second, they would not displace anyone who then had housing, because a farmer who sought farm labor had housing for his farm labor. Therefore, those persons who would come into that line of occupation would neither displace anyone from housing nor displace anyone from a job. So we thought we could do a good turn by bringing to this country those persons who had an agrarian background and who wanted farm work to sustain themselves, and that they would, in turn, aid in sustaining the economy of America.

Mr. President, it did not work out in that way, for many reasons. I shall state some of the reasons before I conclude my remarks. I shall state some of them now, as a preliminary. Many have come to this country under fraudulent pretenses and fraudulent papers. Some of them never had hold of a plow, did not know which end of a horse should go toward a plow, and had no knowledge of farming whatever, but declared, under oath and otherwise, that they had an agrarian background, in order to go to America. After coming to America and being placed on a farm, they stayed overnight, or for a week or 10 days, or a month at the latest, and then drifted toward the big centers. When they came to the farm they knew nothing about it and cared less. All they wanted to do was to get to America and then to some large center of population. So fraud has entered into that which we sought to establish as a way by which human beings with honesty in their hearts might find a way to sustain them-

selves and to become useful citizens of America.

Mr. President, we seek now to amend that provision because today there is a call for farm labor in the agricultural regions of America. Today there are farmers with housing already prepared for farm labor and with everything ready to put men to work, if they will go to work, if they want to work. There is a demand from the agricultural regions for labor. So, if an applicant for a displaced person's opportunity can show that he has had 2 years of agrarian experience, he is eligible to come under the farm labor provision of the pending bill.

There are many other phases of this matter which are worthy of consideration.

Section 8 of the bill as passed by the House of Representatives and as reported to the Senate amends section 8 of the act of 1948 by extending the term of the Displaced Persons Commission from June 30, 1951, to June 30, 1952, and requiring that the regulations of the Commission for the purpose of obtaining the most general distribution and settlement of persons admitted under the act shall be "consistent with housing and employment opportunties for resettlement" throughout the United States and its Territories and possessions.

Section 9 of the bill as reported to the Senate amends section 10 of the act of 1948 continuing the requirement for a thorough investigation and written report on each displaced person by such agency of the Government as the President may designate, providing, however, that the final determination of eligibility of applicants under the act, as well as under the general immigration laws of the United States, shall be made exclusively by the Immigration and Naturalization Service and the American Foreign Service, acting through persons who are citizens of the United States, and who have not less than 3 years' experience in the Immigration and Naturalization Service or in the American Foreign Service. The bill as passed by the House contains no similar provision.

Mr. President, there was a vital reason for those provisions going into the new bill, and I shall dwell on those reasons later on in my discussion of the bill. My investigation in Europe, extending all the way from the northern border of France to southern Italy and back through France to Paris, as I reported by cable to my colleagues in the Senate, some of whom are now listening to me, showed that fraud, deceit, perjury, misrepresentation, and falsification of records have abounded in the Displaced Persons Administration. They have abounded to such an extent that printing presses, for the printing of fraudulent instruments, were found by authorized representatives of the Army. Frauds of all kinds have crept into the Displaced Persons Administration. Not only have they crept in, but they have been tolerated in the administration of the Displaced Persons Act and eyes have been blinked at them by the Displaced Persons Administration.

Mr. President, the bill, as passed by the House of Representatives, amends section 12 of the act of 1948 by advancing from July 1, 1950, to July 1, 1952, the period during which 50 percent of the German quotas shall be available exclusively to persons of German ethnic origin who were born in Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Russia, or Yugoslavia.

The bill as reported to the Senate retains in substance the language passed by the House of Representatives, and directs the Secretary of State to immediately resume general consular duties in Germany and Austria.

The bill as passed by the House of Representatives and as reported to the Senate prohibits the issuance of visas to subversive displaced persons, and section 13 of the act of 1948 is amended to require every displaced person of the age of 18 years or more to execute at the port of entry into the United States an oath or affirmation that he is not and has never been a member of any organization or movement named in this section.

The bill as passed by the House of Representatives and as reported to the Senate adds a new section to the act of 1948 which authorizes a loan of not to exceed in the aggregate $5,000,000 to the Displaced Persons Commission to be used by them for loans to public or private agencies to finance the reception and transportation of eligible displaced persons from ports of entry within the United States to places of final destination. As reported to the Senate, a further proviso is added to this section requiring the payment of interest at the rate of 3 percent per annum on such loans as are not repaid on or before June 30, 1953.

The bill as reported to the Senate adds a further new section to the act of 1948 requiring that all transportation of displaced persons to the United States shall be by ships or planes registered under the United States flag, if the cost of such transportation is defrayed in whole or in part by the Government of the United States. There is no comparable provision in the bill as passed by the House of Representatives.

Section 13 of the bill as reported to the Senate creates a joint congressional committee composed of three members of the Judiciary Committee of the Senate and three members of the Judiciary Committee of the House, for the purpose of making a complete investigation of the problems of persons of German ethnic origin who were expelled from the country of their residence into Germany and Austria. This joint committee is required to report its findings and recommendations to the Congress not later than 1 year after the effective date of this section.

Mr. President, it may be interesting to Senators to know the route I followed during my investigation in Europe. The investigation was made by the chairman of the Judiciary Committee at the suggestion, at the instance, and by the authority of the Judiciary Committee of the Senate. In every sector I obtained the written statements of witnesses with whom I conferred, and during the course of my remarks, I may from time to time refer to these written statements. I regret exceedingly that I shall be unable at this time to identify some individual witnesses other than by the titles of their offices or the employment in which they are engaged. I regret that I am forced to proceed in this manner because to identify with particularity the sources of much of my information would surely result in reprisals and disciplinary action against those persons who have courageously stated their experiences and observations of the operation of the present law. It had been my intention to publicize the testimony of every witness who appeared before me, but Senators will recall that some days ago, when I released the testimony of an employee of the Displaced Persons Commission, the Commission almost immediately announced that disciplinary action would be taken against this employee. This is not an isolated instance. Indeed, many Senators will recall the prompt disciplinary action taken against an official of the Visa Division of the State Department who testified before the Subcommittee on Immigration of the Judiciary Committee with respect to the entrance of hundreds of subversives into the United States. The facts have long ago vindicated this patriotic public servant, but that does not rescind the disciplinary action taken against him.

Mr. President, no one realizes better than I the criticism which will be leveled against me for referring to information without disclosing the identity of witnesses, or the sources of my information. My colleagues may rest assured that I shall do so with extreme reluctance. However, it seems to me that I am confronted with three possible courses of action. First, to withhold the information entirely and thereby conceal the facts from the Congress and the American people; second, to release the information irrespective of its confidential classification and irrespective of the consequences that may result to the witnesses. This I cannot and will not do; third, to release the information without disclosing the identity of the witnesses and to allude in general to the existence of classified information.

Mr. President, I have in my possession, and have had in my possession almost since the time I returned from Europe, voluminous confidential reports prepared by the CIC, that branch of the Army having to do with counter-intelligence. Every page of them is marked "confidential." The reports were prepared by trusted officers of the Counter-Intelligence Corps of the Army. I am advised that they were approved by Gen. Lucius Clay. I have no doubt that the advice given me in that respect is true. I wrote to the Counter-Intelligence Corps and to other officials asking for permission to use the reports which contained so much valuable information on this subject. I was denied the right to use them. I have them in my possession, and would be glad to read them to the Senate. The Senate would be startled if I were to read them. They contain many revolting facts. They disclose numerous cases of fraud, fraud of all kinds and descriptions, and disclose also the character and type of some of the displaced persons who have obtained entry to the United States

under the Displaced Persons Act. They contain much other information.

Mr. KILGORE. Mr. President, will the Senator yield at that point for a question?

The PRESIDING OFFICER (Mr. WITHERS in the chair). Does the Senator from Nevada yield to the Senator from West Virginia?

Mr. McCARRAN. I yield.

Mr. KILGORE. Most of the fraud disclosed in the reports had to do with documents issued by German officials. Is that correct?

Mr. McCARRAN. That is not correct.

Mr. KILGORE. What is the correct statement about that?

Mr. McCARRAN. The Senator from West Virginia knows what the correct statement is, because he listened to the witnesses who came before the committee and testified in detail. The fraud was not in the documents issued by German officials. The Senator was present when witnesses testified on that very subject.

Mr. KILGORE. Mr. President, I may say to the distinguished Senator from Nevada——

Mr. McCARRAN. Mr. President, I do not yield for a statement. I yielded to the Senator for a question.

Mr. KILGORE. I think the Senate is entitled to all the information on that subject. If there were many cases of fraud, I think the Senate should know about them.

Mr. McCARRAN. Mr. President, I refuse to yield for a statement. I yielded only for a question.

Mr. WATKINS. Mr. President, will the Senator yield to me for a question?

Mr. McCARRAN. I yield for a question.

Mr. WATKINS. I noted that the Senator from Nevada called attention to a specific report or reports he has in his possession.

Mr. McCARRAN. Yes.

Mr. WATKINS. Did the members of the committee see the reports in executive session?

Mr. McCARRAN. Some of the reports were made known to the committee in executive session.

Mr. WATKINS. Will they be made available to the Members of the Senate, or must they be kept confidential?

Mr. McCARRAN. I wish they could be made available to the Members of the Senate. I should be glad to be able to present them to the Senate.

Mr. WATKINS. I understand the Senator said he would like to read them to the Senate, so I wondered if they would be made available to the Members of the Senate.

Mr. McCARRAN. I am sorry to say that I was denied permission to do so. I wanted to read them personally to the Senate, or have the clerk read them, but I was denied that privilege.

Mr. President, I am advised by witnesses who came before the committee that those are not the only documents which bear on the subject of fraud in connection with the administration of the law. I am advised that there are volumes showing the same trend.

Mr. President, the investigation which I made commenced in Paris, where I conferred with officials of the International Refugee Organization who were in Paris for that purpose. Representative FRANCIS E. WALTER, chairman of the special subcommittee of the House Committee on the Judiciary engaged in studying the subject, participated in this conference.

From Paris I went to Frankfurt where I conferred with officials of a number of the so-called voluntary agencies operating in the occupied zones of Germany, Austria, and Italy. I also conferred with officials of the office of the high commission of Germany. In Frankfurt I ascertained the location of the principal displaced-persons camps, as well as the principal resettlement centers in Germany, and, in the course of my investigation, I visited as many of these as possible. From Frankfurt I traveled south to Stuttgart where I conferred with officials of the consular service, the United States Army, the Displaced Persons Commission, and the International Refugee Organization. From Stuttgart I journeyed a short distance to Ludwigsburg. From Ludwigsburg I traveled south to Munich where I spent several days visiting displaced-persons camps and resettlement centers in that area. Leaving Munich I journeyed back to Stuttgart, and from there returned to Frankfurt. In Frankfurt I conferred with the European coordinator of the Displaced Persons Commission, as well as his assistant, and was shown the complete operation of this office. I also conferred with the respective heads of every major voluntary agency operating in Europe. Leaving Frankfurt, I proceeded to Geneva, Switzerland, where I conferred with the director general of the International Refugee Organization, and a number of his assistants, as well as with officials of the consular service. From Switzerland I went to Italy where I conferred with consular officials in Milan, Florence, Rome, and Naples. From Rome I went south to Naples where most of the displaced persons are concentrated, and went through a number of the camps and resettlement centers in and about the Naples area.

I think it may be interesting to some Senators if I outline the steps which a displaced person must take in order to qualify as an immigrant to the United States under the act of 1948. Senators well know that the act contains a cut-off date of December 22, 1945. In other words, a displaced person, in order to qualify, must have been in one of the occupied zones of Germany, or in Austria, or in Italy, on or before December 22, 1945. This date, Senators will recall, is not an arbitrary date, but is the date fixed by the President of the United States in a Presidential directive relating to displaced persons and pursuant to which approximately 44,000 displaced persons were admitted prior to the passage of the act of 1948. It is important because of the fraudulent documentation which I shall take up later in my remarks.

Let us assume, therefore, that a displaced person finds himself in occupied Germany or Austria or Italy and wishes to be resettled in the United States. His first step is to contact a displaced-persons camp which is under the operation of the International Refugee Organization created by the United Nations in 1946. Such person is then questioned by employees of the International Refugee Organization who, in most instances, are displaced persons themselves and of the same nationality as such person, so that they may act as interpreters and assist him in filling out the necessary questionnaire to determine his status under annex I of the constitution of IRO. Thereafter, such person either contacts or is contacted by one of the American voluntary agencies operating in that area. In practice, the voluntary agency, which becomes interested in such person, is of his religious faith, so that if he is a Catholic, he will be contacted by an employee of the National Catholic Welfare Committee; if he is a Jew, it probably will be an employee of the American Joint Distribution Committee or the Hebrew Immigrant Aid Society; if a Protestant, it will be the Lutheran Church World Federation, or other Protestant voluntary agencies, and so on, depending upon religion.

The voluntary agency assists our hypothetical displaced person in establishing his qualifications for immigration to the United States of America and these voluntary agencies are conversant with the specific provisions of our statute.

Inasmuch as our act contains a limitation that one coming into Germany, Austria, or Italy from other areas must have done so prior to December 22, 1945, or, if forced to flee from Germany, Austria, or Italy by the dictator regimes, one must have returned prior to January 1, 1948, documentary evidence to support the fact of entrance into these areas prior to December 22, 1945, or fleeing from these areas with return prior to January 1, 1948, is submitted to the IRO when our hypothetical person registers as a displaced person, so that he can qualify for immigration to the United States. Thus, documentation is of two types: First, proof of residence prior to December 22, 1945, which is in the form of a certificate of residence executed by police officials of the area for which residence is claimed, if such area is in the trizone of Germany, or in Austria, or Italy. If such residence is in the Russian zone of Germany, such a certificate cannot be obtained and, therefore, there is no documentation; second, proof of birth in Germany, Austria, or Italy; but, again, if the place of birth given is in the Russian zone of Germany, a birth certificate cannot be obtained; and, therefore, there is no documentation.

The International Refugee Organization then certifies the status of our hypothetical individual as a displaced person of the care and concern of the IRO, and certifies the date of entry into Germany, Austria, or Italy, or the place of birth, fact of fleeing, and date of reentry into Germany, Austria, or Italy. The IRO also certifies the family number, job experience, place of birth, and other pertinent information, which is gotten from the questioning previously mentioned.

The next step takes our hypothetical displaced person to a resettlement center operated by the IRO, where he makes his election to immigrate to the United

States, which is made known to the Displaced Persons Commission, and is supported by the IRO certifications I have just outlined. The Commission then examines the dates appearing in the IRO certifications; and if they are within the limitations of the act, and if the applicant is certified as being "of the concern of the International Refugee Organization," the applicant is certified by the Commission as eligible to immigrate to the United States; and if entitled to preference under the act, such preference is also certified.

Next is a security screen check by the Counter Intelligence Corps of the Army. I shall have more to say on this later in my remarks. If the Counter Intelligence Corps finds nothing of an adverse nature which would establish that the applicant is a security risk to the United States or a known criminal, its report to the commission is usually in the form of "no comment," or "no adverse information." If something adverse is disclosed by the CIC investigation, that information is included in the CIC report, and is evaluated by the commission. If the applicant is still found to be eligible, his file, including the CIC report and a certification by the commission that he is "eligible," is transmitted to the consular service for issuance of a visa.

The applicant then applies to the consular service for a visa. He is given a medical examination by the United States Public Health Service for diseases which might exclude him under the general immigration laws. If approved medically, his case is examined by a consular officer, who is bound by the eligibility certification of the Commission and cannot go behind the Commission's certification unless there is an obvious error. He then is personally interviewed by a consular officer. In the vast majority of cases, this is the first time the applicant has been personally interviewed by an official of the United States Government. Unless the consul discovers some reason why the applicant should be excluded under the general immigration laws, his visa application is approved, and he leaves the resettlement center for Bremen.

Until February of this year, the applicant was personally interviewed by the Immigration and Naturalization Service at Bremen. However, under a recent plan of decentralization, immigration inspectors are now in operation at each of the resettlement centers, where they interview the applicant. This agency is, by instructions, precluded from examining his eligibility under the act; and unless information is developed which would exclude the applicant under the general immigration laws, he leaves for the embarkation center at Bremerhaven, where he will board ship, unless he is a hardship case, in which event he will be flown to the United States.

Briefly, Mr. President, that is the routine which is followed by every displaced person coming to the United States. There are a number of aspects of this procedure which I shall describe in greater detail at a later point in my remarks. For the present, however, I wish to call attention to the fact that four agencies of the United States Government are involved, namely, the Displaced Persons Commission, the United States Public Health Service, the Consular Service, and the Immigration and Naturalization Service. I also wish to emphasize that the procedure includes one international agency, namely, the International Refugee Organization, and, in most cases, at least one voluntary agency. At the hazard of repetition, I say again, Mr. President, and wish to reemphasize the point, that the procedure includes one international agency, namely, the International Refugee Organization. I wish emphatically to call attention to the last two agencies, the IRO and the voluntary agencies, because neither of these agencies is subject to Government regulation, control, or direction by the United States. I emphasize this fact because the most important steps in qualifying a displaced person for immigration to the United States are taken by these two agencies, and that comes about by reason of section 2 (b) of the present law. A brief reference to the act will disclose that a displaced person is therein defined to be a person as defined in annex I to the constitution of the International Refugee Organization, and who is the concern of the International Refugee Organization. I hope Senators will follow closely my remarks on this point.

Without going into all the ramifications of annex I, permit me to say that it is one of the most complex collections of words that could be drafted. Every section is so interrelated with one or more other sections that it is impossible to state with certainty who will qualify as a displaced person. If Senators will but glance at annex I, they will see constant reference to minutes of sundry meetings held by various committees or subcommittees of the International Refugee Organization on various dates, the contents of which are unknown to officials of our Government administering the program in Europe. Therefore, under the administration of the present act, the most important determination to be made, namely, qualification of status as a displaced person is made by an international organization which is not responsible to the Government of the United States or to any of its officials.

This organization employs a large staff of alien personnel, who in most instances are themselves displaced persons. In assisting other displaced persons, they sometimes become so zealous that they certify to alleged facts which are so patently false that the Displaced Persons Commission must return the file to IRO, even though the Commission instructions require acceptance of IRO findings. For example, while I was interviewing an employee of the Commission, he happened to have on his desk two files which he was returning to IRO for a review of their findings. In both cases, the IRO had certified that the applicants had entered Germany prior to December 22, 1945, and were in the United States zone of Germany on January 1, 1948. This is the standard language used to qualify under our act. However, in one case, the applicant was an infant born in 1946, 2 years after it allegedly entered Germany; and in the other case, the applicant was an infant born in December 1948, 4 years after allegedly entering Germany. This Commission employee stated that in his experience he had found that the IRO would certify to anything which would help a displaced person to qualify under our act.

I was advised repeatedly by officials of the Consular Service, the Immigration and Naturalization Service, the Counter Intelligence Corps of the Army, and by United States citizens in the employ of the International Refugee Organization, that section 2 (b) of the act should be repealed, substituting in lieu thereof a definition which did not depend upon the discretion of the IRO and which could be readily interpreted by United States officials without reference to an international organization. Mr. President, the Congress is more than capable of defining displaced persons who will be made eligible for immigration to the United States, without resorting to discretionary findings, constructions, and interpretations made by alien employees of an international organization. The Judiciary Committee, therefore, has recommended in the present bill an amendment to section 2 (b) of the act specifically defining displaced persons and expanding the definition contained in the present law, to which I shall refer later in my remarks. Responsible officials of our Government operating in Europe in every phase of our displaced-persons program stated again and again that if the 1948 act is to be amended at all, the determination of eligibilty of applicants should be centered in trained consular and immigration officers. This, of course, was the plain intent of Congress when it provided in section 10 of the act that—

> Except as otherwise expressly provided in this act, the administration of this act, under the provisions of this act and the regulations of the commission as herein provided, shall be by the officials who administer the other immigration laws of the United States.

It is written indelibly into the law as it now stands. But how it has been flouted. How it has been set aside.

The intent of Congress is made crystal clear by the debates that took place in this Chamber when we passed the act of 1948. Senators will recall that at that time an amendment was offered to vest in the Displaced Persons Commission the general administration of the law, including the determination of eligibility of applicants. But the amendment, which had been offered by the Senator from Michigan [Mr. FERGUSON], was defeated. Instead, we provided in section 10 of the act that—

> No eligible displaced person shall be admitted to the United States unless there shall have first been a thorough investigation and written report made and prepared by such agency of the Government of the United States as the President shall designate regarding such person's character, history, and eligibility under the act.

It was assumed by those of us who helped draft the present law, both in the conference committee and during the debate, that the President would

designate an agency with trained personnel skilled in immigration matters. It was, therefore, possible to circumvent the intent of Congress only after the President, on the fourth day of October 1948, designated the Displaced Persons Commission as the agency to select and screen displaced-person applicants.

The bill, as amended by the committee, restores the congressional intent by providing that the final determination of eligibility of applicants, both under the displaced-persons law and under the general immigration laws, shall be made exclusively by the Immigration and Naturalization Service and the American Foreign Service acting through citizens of the United States who have not less than 3 years' experience in the Immigration and Naturalization Service or the American Foreign Service; thereby insuring that this important determination shall be made by United States citizens trained in immigration matters.

Section 2 of the law provides for assurances under the act and, among other things, requires that every displaced person "shall have an assurance that such person, if admitted into the United States, will be suitably employed without displacing some other person from employment and that such person, and the members of such person's family, who shall accompany such person and who propose to live with such person, shall not become public charges and will have safe and sanitary housing without displacing some other person from such housing."

Congress intended that such assurances must be bona fide and binding upon the sponsor of a displaced person. Mindful of the backlog of unemployment and critical shortage of housing in this country, Congress intended that no person should be brought to the United States in this great humanitarian movement, unless there was on file with the Commission a valid assurance that such displaced person would not displace anyone in this country from a job or from housing. The Commission was authorized to make rules and regulations to make this section effective, and to insure that only bona fide assurances would be approved.

Instead of performing its functions of administration of the act in this country, by issuing adequate rules and regulations to make such assurances effective, and by issuing adequate rules and regulations governing the whereabouts and conduct of displaced persons after they have been admitted to the United States, the Displaced Persons Commission apparently assumed that its functions are to be exercised primarily abroad, and that the administration of the act in the United States is but incidental to a self-imposed duty to secure the admission of the total number of displaced persons authorized in the law. In other words, Mr. President, what the Commission set about to do was to fill the quota, to get 205,000 persons over here as quickly as possible, regardless of where they might be placed, of how they might be housed, or of whether they would be at all employed.

Under its rules and regulations, the Displaced Persons Commission has classified the afore-mentioned assurances in two main categories; namely, assurances for "named" displaced persons, and assurances for "unnamed" displaced persons. In each of these categories, the sponsor is required by the law to furnish evidence of having employment and housing available which will not displace any person in this country. A "named" assurance may be used only for the person named therein. An "unnamed" assurance may be used for any person who fulfills the qualifications of employment which are described in such assurance. Neither of the assurances requires the sponsor to put up any security or guaranty in any form whatsoever that either the employment or housing described therein will be available for the displaced person when he reaches the United States.

The European coordinator of the Displaced Persons Commission stated that assurances may be, and have been, withdrawn from the Commission prior to the time the displaced person reaches the United States and has an opportunity to accept the employment. In such instances, the displaced person is not prevented from coming to the United States but rather he embarks in any event on the assumption that there will be available in Washington a so-called surplus assurance; which, of course, assumes also that he will be qualified to perform the employment described in such assurance.

In addition to individual sponsors who submit assurances to the Commission, the rules of the Commission permit voluntary agencies to file so-called "blanket" assurances which contain only an estimate of the number of displaced persons that such voluntary agency believes it can place in suitable employment in the United States, together with a general assurance of housing accommodations. Mr. Carusi testified that 85 percent of the assurances approved by the Commission are so-called "blanket" assurances of the major voluntary agencies. The so-called "blanket" assurances do not require a specific statement of the type of employment available, nor a description of the skills required; nor do they require a specific statement of the housing which will be made available to such a displaced person. The most that may be said for them is that they indicate in a general way the nature of the employment in a given community, and, in a general way, they describe the community in which housing may be provided. According to statements issued by the Displaced Persons Commission, "they need not specify the particular job, nor the particular employer, nor the specific housing to be provided." The rules of the Commission also permit State commissions or State committees concerned with the problem of displaced persons to file blanket assurances. With respect to the so-called blanket assurances by regularly constituted governmental authorities within the States, it is necessary to submit in detail a specific description of the employment available, together with a statement of the necessary skills and the employer's address. Moreover, a specific description of the housing must be furnished, together with the address of the housing which will be provided. And in addition, it is necessary to furnish an assurance that the displaced person will not become a public charge if he comes to the United States.

Let us now refer back to the "named" assurances which are filed with the Commission. It is significant here to recall that 85 percent of the assurances are "blanket" assurances of voluntary agencies, and that 80 percent of all assurances are named assurances. The European coordinator of the Displaced Persons Commission testified that the voluntary agencies "have staffs over here who nominate individuals that they select on the basis of their interest in them, and they in turn nominate them to us, so that, from the standpoint of the Commission that again is a nominated case where we have no latitude but determining his eligibility." Because these named assurances specifically name or nominate a designated displaced person, they may be used only for the person named therein. In the case of a named assurance, neither the Displaced Persons Commission nor any other agency of the United States Government, makes any examination of the applicant whatsoever to see if he can fulfill the employment assurance set forth in such assurance. The European coordinator of the Commission, Mr. Squadrilli, testified:

> Now, in the majority of these cases, there is no selective activities as such. * * * Our responsibility, our job, in order to accede to the rights of the American sponsor who nominates an individual, is to determine, does this man qualify under the act? That is the field of selection.

In other words, on a blanket assurance, which has been modified in Europe to a "named" assurance, by an employee of a voluntary agency, the Commission does no selection as to employment skills, or whether such person is one likely to be assimilated in America, or in any particular whatsoever except to check the dates certified by the International Refugee Organization. Such selection as there may be, if any at all, is by employees of voluntary agencies who are not responsible to this Government, and many of whom are aliens. It is automatically assumed by the Displaced Persons Commission that the individual in the United States or the voluntary agency naming such displaced person will give him the employment described in the assurance notwithstanding that such displaced person may not have the skill requisite to perform such employment and notwithstanding that the sponsor may revoke the assurance at any time. It has been generally alleged, and I think it fair to state, that thousands of displaced persons have come to the United States on the representation that they were capable of performing certain skilled or semiskilled labors, or on the representation that they were agricultural employees when, in fact, they knew nothing about the work they were to perform. Congress never intended that dis-

placed persons should be admitted to perform specified work described in the employment assurance without an examination to ascertain that they could in fact perform such work. Congress never intended that so-called blanket assurances should be accepted whether they be by voluntary agencies, or by State commission, or by State committees dealing with displaced persons. Congress never intended that the Commission should, by its rules and practice, divest itself of the power to determine if an applicant "will be suitably employed without displacing some other person from employment," or if he will have "safe and sanitary housing without displacing some other person from such housing." The act of 1948 does not admit of any such construction, and I am of the opinion that the Displaced Persons Commission has failed to carry out the intent of Congress on this matter of assurances.

In this connection, it may be interesting to Senators to know that in the city of New York two entire hotels are occupied solely by displaced persons awaiting assignment to some place in the United States after arrival in this country. I am reliably informed that the total capacity of these hotels exceeds 2,000 persons and that they have a complete occupancy at all times. I am also reliably informed that the reason for such a tremendous number of displaced persons awaiting assignment to some locality in the United States is that they do not have a specified employer or a specified job to which they can go upon arrival.

The effective administration of assurances as intended by Congress is vitally important. On January 16 of this year, the president of the International Farm Labor Union, Mr. H. L. Mitchell, warned the closing session of that union's convention that farm machines, Mexican nationals, and displaced persons threaten the welfare and jobs of 4,000,000 American agricultural workers. What is more, he charged that displaced persons are being used to break down the agricultural wage structure. Yes, Mr. President, the assurances provided in the act are basic and of paramount importance. However, that is not the view of the Displaced Persons Commission.

To illustrate how lightly the Commission regards these assurances, Senators may be surprised to learn that displaced persons who have been admitted to this country under the act are giving employment and housing assurances for other displaced persons to come to the United States.

I repeat that, because it is worthy of emphasis.

Senators may be surprised to learn that displaced persons who have been admitted to this country under the act are giving employment and housing assurances for other displaced persons to come to the United States. These assurances by displaced persons for other displaced persons are readily accepted and validated by the Commission. This situation is made significantly ridiculous by a comparison with our immigration laws. Under the general immigration laws, the sponsor of an immigrant must give a bona fide guaranty and pledge that the immigrant will not become a public charge, and that the sponsor will in fact be responsible for the care, maintenance, and necessities of the immigrant while in the United States. In many instances the sponsor is required to furnish a bond, running to the Government to secure his guaranty and pledge. What is more, he must establish his financial ability to perform his guaranty beyond a doubt. When it is recalled that assurances validated by the Displaced Persons Commission are neither guaranties, nor are they binding and enforceable against the sponsor, and when it is recalled that they may be revoked by the sponsor at any time, and when it is recalled that the Commission does not investigate to ascertain if the sponsor is in fact capable of furnishing employment and housing as required by the act, it then becomes apparent how lightly the Commission regards these assurances. I can conceive of no greater violation of the spirit of the law and intent of the Congress than to permit displaced persons, who themselves are experimenting with resettlement in this country, to give assurances of employment and housing for other displaced persons.

This brings up a consideration of persons likely to become a public charge. Inasmuch as the validity of the assurance is interpreted by the Displaced Persons Commission to be within their exclusive jurisdiction, neither the Consular Service nor the Immigration and Naturalization Service makes any investigation into the reliability of assurances. Therefore, the availability or unavailability of a particular job, or the skill or lack of skill of a particular displaced person in a given field, is not known to any official of the United States Government until after the displaced person has arrived in the United States and either has no job to which to go, or has no knowledge of the duties which he is to perform.

Obviously a displaced person coming to the United States under a so-called blanket assurance will not be deported simply because there is no job available upon his arrival. It is equally obvious that one whose assurance has been withdrawn will not be deported. However, he is subject to deportation under our general immigration laws if it is determined by the Immigration and Naturalization Service that he is a person who has become a public charge. The Displaced Persons Commission has, therefore, included in its regulations a proviso that "an applicant admitted under the act shall not be deemed to have become a public charge under the act by reason of receiving public services, other than financial assistance, available to persons in the community in which he resides." Therefore, such an applicant may be furnished emergency housing by relief agencies in the United States as well as food and subsistence for an indefinite period of time without being subject to deportation, if the Commission is allowed to interpret our general immigration laws by its regulations.

Senators will recall that the question of whether or not an immigrant is one likely to become a public charge is a part of our general immigration laws, and that this question is determined by the Immigration and Naturalization Service. For many months there has been serious disagreement between the Immigration and Naturalization Service and the Displaced Persons Commission representatives in Europe, as to which agency is to decide this question. The Displaced Persons Commission has contended that because there is an assurance on file in Washington, D. C., there is then no question of whether or not an applicant is likely to become a public charge. Therefore, it is their contention that the Immigration and Naturalization Service is precluded from examining into the financial responsibility, either of the applicant or of his sponsor in the United States, and that admittance to the United States cannot be withheld on the ground that such person is likely to become a public charge.

Let us not forget that job and housing assurances by displaced persons for displaced persons are encouraged and accepted by the Commission. It occurs to me that a displaced person who comes to this country on the employment and housing assurance of another displaced person is very likely to become a public charge. In any event, the Immigration and Naturalization Service must insist upon their right to reject an applicant if he is likely to become a public charge, because this duty is imposed by law, and cannot be abrogated or repealed by an interpretation of the Displaced Persons Commission.

The conflict of jurisdiction in this matter of public charge was finally made the subject of a series of conferences, in which the State Department participated, culminating in an instruction by the Immigration and Naturalization Service that its employees would be bound by the findings of the Commission on the eligibility of an applicant. The language used is as follows:

> When during the course of examination for immigration purpose it comes to the attention of an officer of this Service that an error may have been made in the finding that an applicant is a displaced person or an eligible displaced person the facts should be brought to the attention of the appropriate representative of the Displaced Persons Commission. Also, if it appears during immigration inspection that an applicant has procured his eligible displaced person status through misrepresentation or fraud the facts should likewise be brought to the attention of the Displaced Persons Commission. However, when the Commission rules or confirms its finding on the basis of such facts which have been brought to its attention that an applicant is a bona fide eligible displaced person such ruling shall not be questioned by this Service.

It should be noted that nowhere does this instruction refer to "public charge" which is a ground for exclusion under our general immigration laws. Yet, the European coordinator of the Commission sent out a memo to all of his senior officers, stating:

> The instructions are interpreted by this office as confirming the authority of the Commission in the question of "public charge," since assurances in this connection are filed with the Commission, and it is the Commission which has jurisdiction in determining the validity and adequacy of such assurances

This same memo of the Commission's European coordinator further instructed Commission officers to return to the Immigration Service all cases previously rejected by the Immigration Service on the ground of ineligibility. In view of the attitude of the Commission in this regard, the Senate might well devote a few minutes to the question of eligibility under the act of 1948.

The Displaced Persons Commission has maintained that neither immigration nor consular officers have jurisdiction to examine into the eligibility of applicants, even though there may be reason to believe that the eligibility of such applicant is based upon fraudulent documents, or perjured statements.

Think of that for a moment, Mr. President. The Displaced Persons Commission, an agency of the Government of the United States, sworn to uphold the Constitution and the laws of the United States, appointed by the President of the United States, sends out the mandate that neither immigration nor consular officers have jurisdiction to examine into the eligibility of an applicant, even though there may be reason to believe that the eligibility of such applicant is based upon fraudulent documents or perjured statements. Can it be possible that the administrators of the laws of America have lost all honor, all decency, all regard for an oath, all regard for the safety of the Government, so that they instruct those under them that one who has made a fraudulent document or resorted to perjury may nevertheless be rewarded for his fraud and perjury?

What is more, Mr. President, the Displaced Persons Commission has taken the position that the Counter Intelligence Corps of the Army, the agency which investigates applicants from the standpoint of the security interests of the United States, has no jurisdiction to develop facts which might affect the eligibility of an applicant. Is that high-handed? Who will deny that that is a high-handed method, when the Counter Intelligence Corps of the Army, an organization trained for its work, recognized by the Army for its ability, is so repudiated that the Displaced Persons Commission states that the Counter Intelligence Corps of the Army has no jurisdiction to develop facts which might affect the eligibility of an applicant. If the Commission had said, "has no jurisdiction of the case," or "has no jurisdiction over the matter," that might be something different. But they used the expression, "has no jurisdiction to develop facts," the facts by which the members of the Displaced Persons Commission, acting under the law and acting under their oaths, might be guided. They say the CIC have no jurisdiction to develop the facts, and it follows that they will not of course, recognize the facts the Counter Intelligence Corps of the Army develops. So if the worst Communist in all the world, a fellow who was trained and reared and whose intent it was to tear down our Government, was brought to the attention of the Counter Intelligence Corps of the Army and that Corps developed the facts and presented them to the Displaced Persons Commission, that Commission would disregard those facts, because the CIC had no jurisdiction to develop facts which might affect the eligibility of an applicant.

In all matters of eligibility, the Displaced Persons Commission claims to have exclusive jurisdiction. For example, the President's directive of December 22, 1945, relating to displaced persons, was administered by our immigration and consular officials abroad. In February of 1946 at a meeting in Frankfurt, it was decided that security screening of applicants should be done by the intelligence division of the Army. By directive, published March 13, 1946, the Counter Intelligence Corps of the Army was given the responsibility of screening applicants with regard to the security of the United States, and such other information as might be helpful to the consulates in determining the eligibility of applicants, as well as whether they were or were not desirable prospective citizens of the United States. The inspector general of the European command of the United States Army stated to me that under the President's directive of December 22, 1945, the Counter Intelligence Corp's screening teams tried to get information on every applicant to as complete a degree as possible; that their investigation was not merely confined to an examination of the Berlin documents center for registration of Nazis, or to military government records and German police records for disclosure of criminals or known subversives. However, even with as complete an investigation as possible, the inspector general stated:

> We felt unquestionably that undesirable people were getting through.

This was the head of the Intelligence Corps of the Army speaking to a Member of the United States Senate.

He further stated:

> After the Displaced Persons Commission came into existence—

And this will be of interest to those who read the RECORD—

> our sphere of activity was limited.

Just a few days ago, a former official of Army Intelligence testified before the full Judiciary Committee as follows:

> We became convinced with adequate evidence that deliberate attempts were being made by the Soviet Government not only to infiltrate the military installations of Berlin and Germany but to send people much farther, to the United States, to South America, and to Canada, under the guise of being displaced persons or being political refugees.

That testimony was given by a trained man who has served in the Counter Intelligence Corps of the Army. His remarks are certainly worthy of our pausing to consider them.

Though it be repetition, Mr. President, I read again his testimony given before the full Committee on the Judiciary only a few days ago here in the Capital of the Nation. He said:

> We became convinced with adequate evidence that deliberate attempts were being made by the Soviet Government not only to infiltrate the military installations of Berlin and Germany but to send people much farther, to the United States, to South America and to Canada, under the guise of being displaced persons or being political refugees.

When we pause to consider that statement we find it to be a startling one. Here is a great humanitarian movement into which we have poured millions of dollars, to which we have given the very best we have. That great humanitarian movement, which comes from the pulsing heart of American humanity, which seeks to relieve those who are honestly afflicted, is being used by the Soviet Government as a method of infiltrating into this country those who would destroy the very government which affords them the opportunity to come here and obtain shelter after they do come here.

Is it any wonder that some of us are given pause when we think of this? Is it any wonder that some of us are resolved and determined that so long as we have breath in our body the law shall not again be so written that under the guise of being a humanitarian movement it can be used by those who would destroy our form of government?

Mr. President, it is no easy matter to stand before the Senate under a condemnation that has been hurled upon us by columnists, by newspapers, by hirelings of all kinds. It has been no easy matter to stand, for months, the condemnation of creatures unfitted to be recognized as a part of the press of America, who have hurled condemnations against the chairman of the Judiciary Committee of the United States Senate. If there is any printable name which that rat has not called me I have not been able to find it. To my way of thinking, what the skunk is to the lower animals of life, Drew Pearson is to the press of America. And he can have that from me just as long as he listens.

Mr. President, it is unfortunate that we must sometimes depart from giving consideration to so serious a matter as the subject we are now discussing, but when one has been the subject of calumnation, of lies, of deceit, of every form of condemnation that human tongue can utter, one sometimes must voice his resentment.

As a matter of fact, the inadequacy of screening during the period 1946–48 was the subject of a detailed report by the inspector general of the European command to the War Department in February 1948. I regret exceedingly that this report has been classified as confidential and that I am, therefore, precluded by law from disclosing its contents.

I referred to that report, Mr. President, in the early part of my remarks. I said then and I now repeat that I am precluded by law from disclosing its contents because it is marked "confidential." I wish the Senate of the United States could read that report. That report was compiled by the head of the Counter Intelligence Corps of the Army under the direction and guidance of Gen. Lucius Clay, and was approved by him. It is now in my hands, but I do not dare disclose it to the Senate of the United States, although it is an enlightening document which, if available

to the Members of the Senate and the people of the United States would give them valuable information—information collected by the most reliable source. But it is marked "confidential," and therefore I cannot disclose it or use it. However, I can state that a certain branch of the Army prepared and filed with the State Department a detailed report containing information as to the penetration of Soviet agents into the United States under the guise of displaced persons, and this report contains vast information respecting fraudulent practices in the admission of displaced persons. Notwithstanding that the inadequacy of screening was documented and reported in 1948 when the Displaced Persons Commission assumed the function of determining eligibility, it succeeded in limiting investigations of the Counter Intelligence Corps to the security aspect only.

In other words, instead of expanding the investigation functions of the Counter Intelligence Corps, which experience and sound administration of the act would require, the scope of these investigations was actually curtailed, and the sphere of the Counter Intelligence Corps was limited so that the CIC now confines its investigation to an examination of official records for criminal convictions or Nazi Party affiliation, and a cursory interview of the applicant himself. The Displaced Persons Commission justified the limitation of the Counter Intelligence Corps investigation on the ground that the development of facts affecting eligibility under the act usurped the functions of the Displaced Persons Commission; that the development of facts affecting the status of a displaced person usurped the functions of the International Refugee Organization because the Displaced Persons Commission is, in any event, bound by the certification of the International Refugee Organization; that the development of other derogatory information affecting the desirability of a displaced person as an immigrant usurped the functions of the consular service and of the Immigration and Naturalization Service; and, finally, that such investigations took so long that it would be impossible to reach the goal of 205,000 immigrants by June 30, 1950.

It might be said, Mr. President, that the personal interview by the CIC investigator affords an opportunity to check the background of each applicant, so that subversives would be screened out. Such a statement would overlook the fact that, on an average, 12,000 displaced persons a month have come to the United States for the past year, reaching a peak of 16,000 for the month of November 1949. This necessarily means that the limited force of Counter Intelligence Corps investigators, which consists of five screening teams, has not only interviewed an average of 12,000 persons per month, but, in addition, has also checked the Berlin documents center, German police records, and military government records, making an average of 12,000 checks a month. What is more, the CIC is required to submit its report within 10 days after an applicant's name is certified to it. Consequently, it is little wonder that the vast majority of the Counter Intelligence Corps reports merely state "no comment" or "no adverse information." It is also little wonder that officials who are making CIC investigations believe that more time and more thorough field checks are required for adequate screening. It is only in instances where an applicant has confided his communistic and subversive beliefs to his fellow camp occupants that a CIC investigator has a reasonable opportunity to discover this fact by the aforesaid interview and questioning of camp occupants. Obviously, Mr. President, Communist agents who have been planted as displaced persons, and who are among the best trained in the world, will have given no reason to their camp associates to become suspicious of them. These are the ones who might be screened out, however, if an adequate opportunity for thorough investigation were given to the Counter Intelligence Corps, with a reasonable time allowed to complete such investigation. In this connection, a former official of the Intelligence Division of the Army testified before the full Judiciary Committee that there are Communists among the persons who have come over as displaced persons; that our screening of applicants is inadequate from a security standpoint, but that the intelligence agencies have adequate screening facilities, if permitted to use them; and that we could screen out all of the really dangerous subversives.

As recently as February 15 of this year, Mr. Almanza Tripp, Chief Immigration Officer in Europe of the displaced-persons program, testified before the Immigration Subcommittee with respect to the laxity of thorough screening in the program. Mr. Tripp stated:

> There became available to me recently, copies of the results of a fingerprint check made by the provost marshal's office in a number of cases. The first group of cases in which the information became available to me related to 90-odd individuals. Immediately I checked the camp registration records, Camp Grohn in Bremen, to determine if any of the persons named had proceeded to the United States. I found that 33 of the people had already sailed to the United States.
>
> Question. Has it not been the policy of the Displaced Persons Commission to avoid Berlin document center checks or provost marshal checks in the processing of displaced persons on the basis of a calculated risk theory of the Displaced Persons Commission?
>
> Answer. I do not know whether I would say they did it to avoid, but what they have done is process practically all cases without receiving the returns from the Berlin document center or from the provost marshal.
>
> Question. Those are centers where there would be criminal records on individuals?
>
> Answer. The Berlin document center records would indicate Nazi affiliations and the provost marshal records would indicate arrest and convictions, possibly by the American authorities, in criminal cases and in some cases convictions in German courts.
>
> Question. It was because of your check * * * that you found these 100-odd cases of criminal conviction, 33 of which had already come to the United States, is that right?
>
> Answer. That is right.
>
> Question. As I understand it, The CIC (Counter Intelligence Corps of the Army) sends its report back to the Displaced Persons Commission before getting an answer from the Berlin document center?
>
> Answer. That is right. * * * the Commission felt that they could take the calculated risk and it would not slow down the flow of displaced persons.
>
> Question. Well, how many cases have come to you from the Displaced Persons Commission since your conversation with Mr. Kaplan in which he told you of this determination that they would accept the calculated risk?
>
> Answer. Around 125,000.
>
> Question. Now, do you not think, Mr. Tripp, from your knowledge over this long period of years, that a calculated risk of that kind is a pretty serious thing for the security of our Nation?
>
> Answer. I think it is dangerous.

How dangerous, Mr. President? How dangerous is it in this day and age when our country is passing through its most trying period; when our country is passing through a period in which its enemies find a place of refuge within its borders, as well as outside its borders; when today almost two-thirds of the population of the world is under the domination of an ideology that is the avowed enemy of the American form of government? How dangerous is it when, according to the testimony of Mr. J. Edgar Hoover, given before the Senate Appropriations Committee only a few days ago, there are today within the United States 54,000 registered Communists and nearly 500,000 fellow travelers or sympathizers.

Mr. President, that is why some of us have paused on this matter. It is why some of us are willing, if need be, to sacrifice our political lives. It is why some of us are entirely content to battle this thing out, to the end that America may go on, and that our form of government may prevail against an enemy that is forever pitted against us from every angle. When today, we have a commission, sworn, holding office, which is willing to take the calculated risk of bringing people into this country who would destroy our form of government, I am not ready to sit down, nor am I ready to give up, nor am I ready to be smoked out by all the paid agencies in the world. A $1,000,000 lobby is recorded in the Congress of the United States, a lobby which has spent nearly $1,000,000 in lobbying. It is of record in the Congress of the United States. For what was the $1,000,000 spent? Someone, certainly not in this Chamber but somewhere else, could answer. A million dollars is not expended lightly; a million dollars is not collected lightly; a million-dollar lobby is not a small thing. It is all pitted against the question of whether we shall protect the United States of America against those who the CIC say constitute an avenue for bringing to America enemies of our form of government. Others say they were brought in through this avenue.

In other words, Mr. President, not only has the screening of applicants by the CIC been limited in scope, but the Commission does not even wait for a full report before processing and approving applicants for immigration under the act.

Mr. Donald W. Main, senior officer of the Displaced Persons Commission at Munich, the only senior officer with training and experience in immigration matters, a man who has served in the

Immigration Service for years, who was lent by the Immigration Service to the Displaced Persons Commission, testified before the Immigration Subcommittee of the Judiciary Committee, as follows:

Question. What agency of the Government actually does the investigating?

Answer. The Counter Intelligence Corps of the Army does the investigation with reference to the character and history and the security factor involved on each displaced person.

Question. Do you have any complaint about that organization, that it is not properly performing its functions as an investigative agency?

Answer. In my opinion, the investigation that is conducted is not thorough enough.

Question. But whom could we trust more than the United States Army, which is occupying Germany, in relation to security questions?

Answer. I do not think there is anyone whom you can trust more. However, in my opinion, the investigations should go further than they do at the present time. * * * The law requires a thorough investigation. In my opinion, the thorough investigation called for in the law and regulations is not being conducted.

Question. Do you know to what extent the CIC is under * * * pressure or persuasion to expedite its cases?

Answer. As the program was originally set up, I think the CIC was, as a pattern, supposed to complete their investigation in approximately 20 days.

Question. Is that, in your opinion, sufficient time?

Answer. No, sir.

Question. Do you not think that it is remarkable that you have not run into cases of more aggravated offenses than those you have mentioned and observed?

Answer. I think that if a more thorough investigation were made, without doubt more derogatory information would be developed.

During my investigation in Europe, I was repeatedly told by United States officials in every phase of the program that because of the tremendous emphasis on speed in processing applicants, the CIC check was of little or no value except as to known subversives or criminals. In this connection, Senators will recall that applicants are processed and certified by the Commission as being of good moral character, without having received the complete CIC report on criminality or Nazi affiliation.

Yes, Mr. President, security screening of applicants is inadequate, with little or no investigation of the background or political beliefs of applicants, and this has opened our gates to persons who will not become good citizens, to persons who are potentially ready recruits for subversive organizations created in this country to tear down the democracy of the United States.

The Judiciary Committee has amended H. R. 4567 to tighten up the protection and security of the United States by specifically defining displaced persons independently of any international organization; and by vesting the final determination of the eligibility of applicants in trained immigration personnel of the United States, who are citizens of the United States and who have had not less than 3 years' experience in the Immigration and Naturalization Service, or in the American foreign service.

I have stated, Mr. President, and I repeat, that under the administration of the present act persons seeking the status of displaced persons have resorted to fraud, misrepresentation, fictitious documents, and perjury in order to qualify for immigration to the United States. I am well aware that those charged with the responsibility of administering the act would have us believe otherwise, and that weazel-worded statements have been made to create the impression that no displaced person has immigrated to this country on fraudulent documents. The fact of the matter is that not only have displaced persons immigrated on fraudulent documents, but it is impossible to determine how many have come to this country on fraudulent documents. I was repeatedly told by consular officials that they had no way of furnishing the exact number, but that they did know applicants were coming through on fraudulent documents. As a typical example, a vice consul, who incidentally is a chief visa-issuing officer and a career Foreign Service employee, advised me that a consul has no power to override the finding of eligibility of the Displaced Persons Commission, even though he has good reason to believe an applicant's documents are fraudulent, unless such applicant had previously applied for emigration as a displaced person under the President's directive and had been refused by the consulate because of fraudulent documents. If such a person attempts to go through again, he is refused a visa under our general immigration laws, not because of ineligibility as a displaced person, but because of attempted fraud in an earlier application for a visa. When asked if he had many cases like that, he replied:

We have had a number. I would say four or five a month.

Think of that. Four or five a month in just one consular office—and these are only in cases where the applicant had previously made an application with the consulate so that there is a consular record of his fraudulent documentation. This consular officer further stated:

If a case comes in to us as a new case so that we have no record of previously attempted fraud, the person's status as a displaced person has been determined by the IRO and the Commission, and we have nothing to do with it.

I asked him if he had any way of determining whether an applicant has previously submitted a different set of documents to the IRO and is now going through on a new set of documents which may be fraudulent, to which he replied:

No, we have no way of knowing if he has submitted fraudulent documents to the IRO, unless he had previously actually applied to the consulate for immigration on fraudulent documents.

A responsible employee of the Displaced Persons Commission stated to me that he believed approximately one-third of the displaced persons qualifying for immigration to the United States had qualified on the basis of false and fraudulent documents so as to come within the so-called cut-off date of December 22, 1945. I asked him if he could prove this statement, and if not, on what he based his opinion. His reply was that it would be impossible to prove how many persons had used fraudulent documents without a detailed examination of each case, but that his opinion was based on personal observation with more than a year of experience as an employee of the Displaced Persons Commission. The experience of this employee was confirmed by three other employees of the Displaced Persons Commission in widely separated areas. All of whom stated it would be impossible to determine the exact number of displaced persons using fraudulent documents, because where fraudulent documents were used to qualify under the act, a residence address in the Russian zone of Germany is given with knowledge that it is impossible to check the truth or falsity of such statement. An official of the Immigration and Naturalization Service pointed out an instance where 94 displaced persons gave the same address in Weisbaden as their place of residence. This is in the bizone of Germany and could be checked. He stated that thereafter displaced persons using fraudulent documents gave residences in the Russian zone of Germany and, that although an address of residence in the Russian zone of Germany is regarded with suspicion, there is little that can be done to check the fact of residence. This official believes that the percentage of displaced persons moving on fraudulent documents is, in his words, "substantial," but stated that he has no way of arriving at a percentage figure, because the basic fraud is consummated with the International Refugee Organization. A former official of Army Intelligence in Germany testified before the full committee that certain voluntary agencies advise displaced persons on how they might best evade our immigration laws and the regulations which have been set up for the handling of displaced persons, and he further stated:

It is possible for any of you gentlemen today, speaking fluent German, to go into Berlin and buy yourself any kind of documents you want.

What is more, I was advised by a high official of the inspector general's office of the European command that they had "positive evidence that two of the religious voluntary agencies had been guilty of forgery of documents in their own offices and had admitted that they would do anything to get displaced persons and persecutees into the United States." This official further stated:

We have uncovered in connection with the displaced-persons program at this time in a number of places organized rings for the purpose of faking documents.

He advised that anyone could get a fraudulent birth certificate or fraudulent police certificate of residence to file with the International Refugee Organization and qualify under our law. One of our chief consular officials in Germany drew my attention to a pending prosecution of a German police official for furnishing fraudulent documents to displaced persons and stated:

This is a prevalent practice, but we haven't been able to prosecute many cases.

This official further advised that a high percentage of displaced persons qualifying under our law were using fraudulent documents, but that it would be impos-

sible to determine either the number or the percentage without a complete investigation in each case. He further stated that because residence or birth in the Russian zone of Germany and areas behind the iron curtain are involved in most fraudulent documents cases, it would probably be impossible to make such an investigation. In his opinion, greater attention to the screening of applicants, and expansion of the Counter Intelligence Corps of the Army, would prevent many fraudulent document cases.

Another consular official stated his belief that—

> A large percentage of the cases which have been processed, and are now being considered, are based upon fraudulent documents, but there is no way of determining what this percentage may be.

He further stated that the only available figures on cases involving fraudulent documents are those cases which have been caught by the CIC investigation, or by the consular office upon personal interview of the applicant, and that the vast majority are not caught.

A representative of one of the voluntary agencies stated that the Displaced Persons Commission had cooperated to a remarkable degree because their sole purpose seemed to be to approve 205,000 persons before the expiration of the law, without regard to the fitness or desirability of individual applicants. This representative further stated that the Displaced Persons Commission approved qualifying information submitted by the IRO even though the file disclosed contradictory documentation and the probability of fraudulent documents, and he said:

> The responsible officials of the Displaced Persons Commission perform no useful function for their high salaries. The way the law is being administered, our tax money would be better spent for clerks, bookkeepers, and IBM machines to process the paper work faster because selectors and analysts of the Displaced Persons Commission are only doing paper work and clerical checking of dates.

With further reference to the fraudulent documents phase of this subject, Mr. President, several days ago the Displaced Persons Commission charged that statements made by me concerning the role of fraud in our program were either deliberate untruths or based upon misinformation. I said then, and I now repeat, that fraud has entered into the program in every area of Europe. I now ask unanimous consent to insert in the RECORD, at this point in my remarks, a copy of a letter addressed to the Secretary of State by the consul general at Munich, setting out of a number of specific cases involving fraudulent documents in that one area.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CONSULATE GENERAL,
Munich, Germany, September 9, 1949.

Subject: Possibility of fraud in connection with visas obtained by displaced persons in Amberg, Germany.

The Honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to report that it has come to the attention of the Amberg suboffice of the consulate general that 10 visas were issued between December 29, 1948, and June 16, 1949, to displaced persons who are apparently ineligible under Public Law 774 for admission into the United States. It is understood that these persons are either now en route to or are already in the United States. These persons have all made statements under oath in their visa applications which subsequent documentary evidence had shown to be probably false, and in each case the ineligibility of the person concerned was dependent upon the truth of the statements. The specific point in question is the date upon which these applicants arrived in Germany. In order to be eligible under Public Law 774, these applicants must have arrived in Germany before December 22, 1945. The recently discovered documentation indicates that these applicants all arrived subsequent to this date.

The matter was called to the attention of the consulate general by the military government officer responsible for the town of Schwandorf, Bavaria, who is at present investigating charges of bribery of a member of the city government of Schwandorf by a prospective visa applicant. The accused is said to have paid 50 marks through the wife of the president of the Jewish committee of the town, in an effort to have the city records which show residence in Schwandorf adjusted so as to make him eligible under Public Law 774. This investigation has shown that a number of displaced persons, who had already departed for the United States, had previously caused their police records in Schwandorf to be changed, and further that upon their presentation for a visa, the statements which they made under oath did not correspond with records in Schwandorf. After examining the Schwandorf police records in these cases, the records of the International Refugee Organization in Amberg (IRO area IV headquarters) were also consulted. It was shown that these records agree with the Schwandorf records and do not support the statements made by the applicants in their application.

The 10 cases in question are as follows:

1. Boltuch, Lea, was issued Polish quota visa 3227/50 on December 29, 1948. Miss Boltuch stated under oath that she had resided in Munich from November 1945 until 1946. The Schwandorf records in this case consisted of two documents, one a questionnaire which Miss Boltuch prepared in order to obtain a German identification card. On the identification card questionnaire, she stated that she arrived directly in Schwandorf from Poland in the summer of 1946. On her police registration card, a notice as to her residence in Munich has been added, obviously subsequent to her original registration. In the files of IRO in Amberg, two documents were consulted in this case, the questionnaire prepared by Miss Boltuch for the Army, which states that she arrived in Germany in July 1946 from Poland, and the IRO card and maintenance questionnaire (CM-1 form), which indicates that she resided in Munich during the time stated on her application.

2 and 3. The documents in connection with Miss Boltuch's sister and brother-in-law, Simon and Taube Haber (Polish quota visas 6028/50 and 6029/50, issued February 3, 1949) also follow the same pattern of discrepancy, i. e., the residence in Munich is added later on police registration card, the identification card questionnaire shows no residence in Munich, the Army questionnaire shows arrival in Germany in 1946, and the CM-1 form shows residence in Munich between October 1945 and August 1946. It is noted that in both the Boltuch and Haber cases the CM-1 form was prepared on May 26, 1948, at which time it was generally known that in order to qualify under the President's directive of December 22, 1945, concerning the immigration of displaced persons, the applicant must have been in Germany prior to the date of the Directive.

4 and 5. Brafman, Daniel and Anna were issued Polish quota visas 3593/50 and 3594/50 on February 2, 1949. Brafman stated in his application that he came to Germany in November 1945 and resided in the neighborhood of Schwandorf from that date on. On his Schwandorf identification card questionnaire, he states that he arrived in Schwandorf in July 1946. However, there is an entry in pencil (possibly in Brafman's own handwriting) between his statements as to residence in Piotrkow, Poland, in 1945 and Lodz, Poland, in 1946, stating that he lived in Schwandorf between November and December 1945. Brafman's CM-1 form shows residence in Lodz, Poland, uninterruptedly from June 1945 until June 1946, where he was employed as a tailor.

6, 7, and 8. Henryk, Mela, and Fedor Badrian were issued Germar quota visa 6945, Polish quota visa 5601/53 and German quota visa 6946, respectively, on April 21, 1949. Badrian based his eligibility on arrival in Schwandorf in September 1945 from Kattowice, Poland. This statement is substantiated by the identification card questionnaire in Schwandorf. However, the IRO CM-1 form shows Badrian to have been residing uninterruptedly in Kattowice from January 1945 until September 1946 and the IRO DP registration card (DP-2 card) shows the same information

9 and 10. Israel and Irena Dreier were issued Polish quota visas 5415/56 and 5416/56 on June 16, 1949. Dreier claims to have been in Schwandorf between September and December 1945. There is no record in the Schwandorf police records of this trip to Schwandorf from Poland. Furthermore, there is attached to the police records a Polish certificate of residence showing Dreier to be living in Krakow from March 1945 until March 1946. The CM-1 form does not show residence for Dreier in Schwandorf before September 1946.

The investigation of these cases and other similar cases in which visas have not yet been issued is being continued by the local Displaced Persons Commission Team, the International Refugee Organization, and Military Government, CIC, and this office, and if any other cases are discovered in which it is believed that visas have been issued to persons not eligible under Public Law 774, the Department will be informed immediately.

Information in the records in question indicates that the following persons may have made false statements in their visa applications believing that these statements were necessary in order to establish their eligibility under Public Law 774:

Albert, Solomon (Polish Quota Visa 5453/56 issued June 30, 1949.

Apfelbaum, Juda and Perla (Polish Quota Visas 5626/53 and 5627/53 issued April 22, 1949).

Taffel, Leib and Estera (Polish Quota Visas 6202/52 and 6203/52 issued March 29, 1949).

The information in the documents, however, shows that these persons were already eligible from the point of view of entry into Germany prior to December 22, 1945. These persons had been in concentration camps in Germany during the war, then returned to Poland, and apparently falsified the dates of their re-entry into Germany.

The Schwandorf documents disclosed above are in the archives of the burgermeister of Schwandorf, and the IRO CM-1 forms and DP-2 cards are in possession of the IRO Area IV Headquarters, Amberg, Germany.

Respectfully yours,

SAM E. WOODS,
American Consul General.

Mr. McCARRAN. Mr. President, subsequent to my investigation in Europe, the senior officer of the Displaced Persons Commission in Europe, Mr. Donald

Main, caused the CIC to make an investigation of qualifying documents issued out of the town of Schnaitsee in Bavaria, Germany. On February 14, 1950, Mr. Main testified as follows:

As a result of our suspicions, we asked the Counter Intelligence Corps of the Army, in addition to their regular, routine investigation, to check into the authenticity of certain documents which were presented to us to establish residence within the required period, and also to check the records upon which the certificates were based to determine their authenticity.

Question. Do you think there is much of this fraud?

Answer. I think it is extensive.

Question. Can you give us an idea as to how many cases you think there have been an attempt at fraud?

Answer. I would say that at least 500 in our particular area have been called to our attention by name.

Question. Are those persons all being held up so that they will not get visas until there can be an absolutely complete investigation?

Answer. Those that have not already departed are being held * * * records for 300 persons had been established at Schnaitsee claiming residence prior to December 22, 1945, for individuals who had not lived there during the period alleged. I do not know whether or not all of those have been used by the individuals to attempt illegal immigration to the United States. Some of them have.

Question. How many of the 300 got into the United States?

Answer. I would estimate that of those that were processed in our area about 100 have already come to the United States.

Question. Approximately 100 of those 300 frauds were ultimately successful in enabling the persons to get into the United States?

Answer. That is right. * * *

Question. When did you find out about these frauds involving the 300 cases?

Answer. It was some time in January that we received the complete report from the CIC with reference to the Schnaitsee documents. * * * The finger was pointed at Schnaitsee by the CIC to us verbally by conversation with the officer in charge of the screening process.

Question. Was that report made after Senator McCARRAN had been over in Europe?

Answer. Yes, it was.

Mr. Main further testified that the CIC investigation now in process in the Munich area has disclosed fraudulent documents and fraudulent records issued in Munich, Kaufbeuren, Furstenfeldbruck, Traunstein, Schwandorf, Weilheim, Ulm, Roding. As to the town of Roding, Mr. Main testified as follows:

Question. Have you looked into the matter of the 100 cases at Roding to determine whether the allegations of fraud are in fact correct?

Answer. I am convinced, from the evidence we were furnished by the CIC, that they are correct. We have a report from them containing the confession of the officers who established these records fraudulently. There are two of them, I should say, this individual and his assistant. The latest information I received from the CIC was that they were in jail in Roding pending the completion of the CIC's investigation and are awaiting prosecution by the military government.

Mr. Main further testified with respect to approximately 1,700 cases which were presented in the Munich area by two voluntary agencies during a 3-week period in September after these agencies had indicated they were at the end of cases in which they were interested. Because of the suspicious circumstances surrounding the presentation of these cases, all were held in suspension by Mr. Main until after the CIC could complete an investigation as to fraudulent documentation. Mr. Main indicated that the 1,700 cases related to heads of families only, and that the total number of persons involved would be approximately 3,500. Of the 1,700 held in suspense, only 700 have been documented to the point where they might be referred to the CIC for investigation. Of the 700 referred to the CIC for investigation, approximately 100 have been referred for 2 months; approximately 300 to 400 have been in the hands of the CIC for 1 month; and approximately 200 to 300 have been referred to the CIC for less than 1 month.

Of the first group sent over to the CIC, approximately 50 percent of the cases have been found conclusively to have been based on fraudulent documents. As to the remaining 50 percent, there may be some doubt about the fraud involved. That is not my statement; it is the testimony of a senior officer of the displaced persons commission in charge of the largest area in Germany.

Mr. RUSSELL. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. RUSSELL. What was the nature of the papers in the cases which involved fraudulent documents? Were they birth certificates, or visas; or what kind of documents were they?

Mr. McCARRAN. They were birth certificates and residence certificates. Printing presses were found in the region of some of the displaced persons camps, on which birth certificates and residence certificates were being printed. Possibly the Senator was not in the Chamber at the time, but I have previously recited statements which were made to us to the effect that anyone speaking fluent German could go into Berlin and buy almost any kind of certificate he wanted.

Mr. RUSSELL. They were forged German certificates, were they not, which would indicate that the persons forging them were German nationals?

Mr. McCARRAN. Not necessarily. They might be nationals of any country. They were birth certificates and as a rule they were forged as to date. There were also some residence certificates which were forged as to the date when a person was alleged to have come into the area in which he was supposed to be on the cut-off date, which was December 22, 1945.

Mr. RUSSELL. Did the Senator gather any information as to the nationality of the persons who possessed the forged papers?

Mr. McCARRAN. Some. I might say that they belonged to all nationalities.

Mr. RUSSELL. All nationalities?

Mr. McCARRAN. Of the group of nationals involved.

Mr. RUSSELL. It seems to me that it would be rather difficult to forge a Russian birth certificate. I can understand how it might be possible to forge a German birth certificate. However, it would seem to me to be rather difficult to forge a Russian or other type of birth certificate or residence certificate.

Mr. McCARRAN. In the case of forged certificates showing persons as coming from behind the iron curtain, there would be no way of checking behind the iron curtain, because it is impossible to get into those countries to make an investigation. But it was no trouble to claim either birth or residence behind the iron curtain, and in that case residence in the German Trizone was claimed prior to December 22, 1945, so as to bring them within the period prescribed.

Mr. RUSSELL. Did the Senator receive any information which would indicate that there were involved nationals of countries behind the iron curtain who held German papers indicating that they were Germans? In other words, were there any Russians posing as Germans in this area?

Mr. McCARRAN. My memory does not serve me as to any particular case of that kind, in which Russians posed as Germans, excepting the general statement, which was made by some of the officers who testified before us, that persons were coming in as displaced persons under Russian guidance for subversive purposes.

Mr. RUSSELL. Those persons usually had Russian papers?

Mr. McCARRAN. They either had Russian papers, or they might have had German papers, claiming to have been Germans, when, in fact, they were Russians.

Mr. RUSSELL. That is the question I had in mind.

Mr. McCARRAN. It is my belief that the number of displaced persons coming to the United States on fraudulent documents will be substantially and materially reduced by the committee amendments which specifically define displaced persons and eligibility, with the final determination on eligibility vested in citizens of the United States who are trained in immigration matters.

Passing now from the fraudulent-document phase, the investigation disclosed a practice which I can only characterize as a direct violation of the law, namely, the removal of material documents from the file on an applicant prior to transmitting such file to the American consul.

When a field analyst rejects an applicant because he believes him to be ineligible, the practice has been, and still is, to have the senior officer review the rejection. If approved by the senior officer, the entire file is then sent to Commission headquarters in Frankfurt, with an accompanying letter of rejection, setting out in considerable detail the reasons for such rejection. This case is then reviewed by the Frankfurt office. If the rejection is reversed, the file is then returned to the field office with a directive advising the senior officer of the reversal, and instructing him to write a favorable report if the applicant is otherwise eligible. It was the practice of the Frankfurt office to conclude its reversal letter with this paragraph:

Please withdraw from the file all previous Commission reports and notifications before

forwarding same to the consul. This letter may be incorporated in the file in support of the directed action.

Mr. President, here is an applicant for displaced person's status, who has been rejected by a field officer for some valid reason, a reason which the field officer believed to be sufficient for rejection, and sufficient to make the officer believe the applicant would not make a good citizen of the United States. But the head of the Displaced Persons Commission at Frankfurt would send this instruction:

Please withdraw from the file all previous Commission reports and notifications before forwarding same to the consul. This letter may be incorporated in the file in support of the directed action.

Let me say in all fairness that I am advised this practice was discontinued last fall. I call it to the attention of the Senate only for the purpose of emphasizing the inclination of Commission employees to act favorably on every displaced person who might conceivably qualify under the act in order to reach their "goal" of the maximum number authorized by law, even to the point of withholding from consular and immigration officials material adverse opinions of Commission employees in the field by withdrawing from the files official actions of rejection, together with the reasons therefor. The Chairman of the Displaced Persons Commission testified before the committee that this practice was wrong and had been discontinued.

Mr. President, at the end of the war the Allied armies in central Europe became the guardians of approximately 8,000,000 persons who had been displaced during the war. Within a few months after the war approximately 7,000,000 of these persons were repatriated to their native countries, leaving about 1,000,000 persons, who refused to return to their homelands because of fear of persecution. By the expiration date of our present displaced-persons law, June 30, 1950, there will remain only a few thousand such war-displaced persons in central Europe, other than the so-called "hard core," who are ineligible for resettlement because of social or physical disqualifications. The number included in this group is reliably estimated as 170,000 persons.

This statement was made to me repeatedly during the course of my investigation by officials of every agency of our Government operating in Europe, and by former high-ranking Army and Navy personnel who are now employed by the International Refugee Organization. In fact, Mr. Ugo Carusi of the Displaced Persons Commission confirmed this statement before the Judiciary Committee a few days ago.

Because we will have exhausted most of the persons eligible for immigration to the United States by the end of the present act, June 30, 1950, in considering legislation to extend the operation of the act for 1 year, to June 30, 1951, it seems to me there are only two things that may be done, and either of these, or both, could be included in such legislation, namely, (1) to rewrite our definition of a displaced person so as to expand the category of persons who are eligible under our act, even though they may not be eligible under annex I of the constitution of the IRO, or (2) to change the so-called cut-off date of December 22, 1945, for eligibility.

I therefore recommended, as a result of our studies, that section 2 (b) of the present law be repealed so as to divorce eligibility under our law from discretionary determinations of the IRO for the reasons which I have heretofore stated, and also so that our definition of a displaced person would be expanded to include war displaced persons of World War II who are not now eligible because they are excluded by the interpretive definition of the IRO constitution. I had in mind two large categories who meet every qualification of our act, including the December 22, 1945, cut-off date, but who are nevertheless ineligible. The first of these categories is the German expellees. These are persons of German ethnic origin who resided in countries east of Germany, and who have been forcibly expelled from their country of origin by reason of the Potsdam agreement of August 1, 1945.. Millions of these people have been driven into Germany and Austria. They are not former Nazis nor former enemies of the United States, but they are expressly excluded from eligibility under our law by the constitution of the International Refugee Organization, notwithstanding that they are, in fact, war-displaced persons who were uprooted and torn from their homes as a consequence of World War II within the spirit and meaning of the language used in the IRO constitution.

The second category is the Greek displaced persons who have been displaced from their homes either by the Nazis during World War II or by the Communists during the Greek civil war. These unfortunate people meet every other test of our law except the definition of section 2 (b), and they have been excluded only because to be "of the concern of IRO" one must be out of his country of origin. Therefore, since these displaced persons are in their native land, they are not "of the concern" of IRO, and they consequently cannot qualify under section 2 (b) of the present law.

After due consideration, Mr. President, the Judiciary Committee approved extension of the 1948 act to June 30, 1951. The committee expanded the definition of displaced persons to include Germans of ethnic origin and natives of Greece. The committee also advanced the so-called cut-off date for eligibility from December 22, 1945, to January 1, 1949. I was, and still am, opposed to the advance of the cut-off date. The Displaced Persons Act of 1948 is based upon the fundamental humanitarian principle of resettling persons who were uprooted from their homes and native lands by the horrors of World War II. I am in hearty accord with this principle and I not only supported the act of 1948 but I also worked diligently as a member of the subcommittee and also the full committee which considered the 1948 act, to formulate legislation to carry out that principle.

The war in Europe was ended in May 1945, Mr. President. Some 7 months after the war ended the President, on December 22, 1945, issued a directive dealing with war-displaced persons. When we drafted the act of 1948 we, therefore, fixed the date of the President's directive, December 22, 1945, as a limiting classification for the purpose of segregating the persons who were displaced by the consequences of war from the "displeased" persons who had voluntarily displaced themselves. I favored then, and I still favor, such segregation, and I believe it will be destroyed if we advance the eligibility cut-off date to January 1, 1949.

I realize full well that there are thousands of persons who have wandered into Germany, Austria and Italy since December 22, 1945, and who are now unable to return to their native lands because of threats of reprisals against them. But these people, Mr. President, have not been displaced as a consequence of World War II. They have voluntarily displaced themselves and therefore should not be classed as war-displaced persons. If they desire to immigrate to the United States they may do so under our general immigration laws. There is nothing in the December 22, 1945, cut-off date which denies them that opportunity. It therefore seems to me, Mr. President, that if the cut-off date is advanced to January 1, 1949, we will have abandoned the principle on which the act of 1948 is based, we will have departed from the principle of World War II displaced persons and will have established a principle which will be used to tear down our quota immigration system.

Mr. President, I say without fear of contradiction that that is one of the reasons why there is advocacy for this change of date. Today some are asking that 320,000 persons be permitted to come into the United States between the first day of October 1948 and the last day of June 1951. At that time there will be other movements on foot, under various guises and with various excuses, for bringing in more displaced persons, and our immigration law will be set at naught.

Mr. President, there are millions of people who want to come to the United States. This is the "honey pot" of the world and they all want to come here. But will our economy support them? If the cut-off date is advanced we will have established a principle which will be used to open our gates to the turbulent populations of the world. That this is the object of special interest groups cannot successfully be denied. One such group during the course of the last 3 years already has registered with the Clerk of the House of Representatives lobbying expenditures of approximately $1,000,000, and senators may be assured that the campaign to circumvent, nullify or repeal our immigration laws will be continued.

Mr. President, if we depart from the principle of special consideration for persons displaced by the horrors of World War II, by embracing persons who have left their homeland because

of economic or political reasons more than 4 years after the end of World War II, how can we deny special consideration to persons who have been displaced as a result of other wars throughout the world? No one can deny the compelling humanitarian reasons which will be advanced to obtain special consideration for millions of unfortunate displaced victims of the war in China, or approximately 10,000,000 Pakistanian displaced persons in the partition of India, or approximately 1,000,000 Palestinian displaced persons in the Palestine war. No one can deny that the principle which would be established by changing the cut-off date from December 22, 1945, to January 1, 1949, will be used to obtain special consideration for the turbulent populations of the world to immigrate to the United States as displaced persons.

What is more, Mr. President, the chief officer of the Immigration and Naturalization Service in Europe, officials of the Displaced Persons Commission, consular officers, and officials engaged in CIC investigations have testified and emphasized that advancing the so-called cut-off date to January 1, 1949, will necessarily increase the security risk to the United States. These officials have pointed out that countless thousands of Communist agents and other subversives have infiltrated into Germany, Austria, and Italy since December 1945 as displaced persons. Therefore, I have been compelled to stand by the principle which we wrote into the act of 1948, and I am opposed to advancing the so-called cut-off date.

Mr. President, it has been loosely charged—and I use the word "loosely" advisedly—that the United States has not taken its fair share of displaced persons, and that our present law should, therefore, be amended so as to drastically increase the number of persons who may be admitted. As a matter of fact, Mr. President, we have taken more than any other nation; and what is more, during the period immediately preceding the war, down to the present date, we have taken more than all of the other nations of the world combined.

Mr. President, lest perchance I might be misquoted, I shall repeat that statement: As a matter of fact, we have taken more displaced persons than any other nation has; and, what is more, during the period immediately preceding the war, down to the present date, we have taken more displaced persons than all the other nations of the world combined have taken.

It should be remembered that, unlike most countries of the world, the United States operates under an immigration-quota system whereby approximately 154,000 quota immigrants may be received annually for permanent residence, chiefly from European countries. In addition, immigrants are received for permanent residence on a nonquota immigration basis without any numerical limitation. The latter group consists chiefly of immigrants from the Western Hemisphere and of relatives of citizens of the United States. As an example, during the fiscal year 1948, there were admitted for permanent residence 92,526 quota immigrants and 78,044 nonquota immigrants, or a total of 170,570 immigrants. During the fiscal year 1949, there were admitted for permanent residence 113,046 quota immigrants and 75,271 nonquota immigrants, or a total of 188,317 immigrants.

Although our general immigration laws do not provide specific categories for displaced persons, reliable official and semiofficial estimates are that during the Nazi regime, through 1947, we received into the United States under our immigration laws between 250,000 and 300,000 displaced persons for permanent residence, and approximately 200,000 displaced persons for temporary stay.

In addition, pursuant to a Presidential directive of December 22, 1945, approximately 44,000 displaced persons were admitted into the United States for permanent residence from the date of the directive to the effective date of the present displaced-persons law, June 25, 1948.

The Displaced Persons Act of 1948 provides for the admission of 205,000 displaced persons over a 2-year period, and also provides for adjusting to permanent residence the status of 15,000 displaced persons who have gained admission on a temporary basis into the United States.

Thus, it is seen at a glance that, without amending the present law, by June 30, 1950, we shall have received approximately 549,000 displaced persons for permanent residence and approximately 200,000 for temporary stay, of which 15,000 will be permitted to adjust their status to permanent residence. In addition, of the 358,887 quota and nonquota immigrants during the fiscal years 1948 and 1949, some were undoubtedly displaced persons coming as regular immigrants, but there is no reliable way of estimating the number of displaced persons arriving under our general immigration laws. So you see, Mr. President, the charge that we have not taken our fair share is not founded on fact, and this is demonstrated by the record.

The bill, as reported to the Senate, will increase the total numerical limitation of displaced persons under the act of 1948 from 205,000 to 320,000, an increase of 115,000. Of the total of 320,000 visas authorized to be issued, 2,000 will be available to natives of Czechoslovakia, as provided in the present law; 10,000 will be available to natives of Greece; 18,000 will be available to certain members of the armed forces of the Republic of Poland; and 290,000 will be available to displaced persons in the general category, as compared to 203,000 under the present law. If the 115,000 increase provided in the bill is agreed to, we shall have received for permanent residence in the United States 300,000 as regular immigrants, plus 44,000 under the President's directive, plus 15,000 temporary residents who may have their status adjusted to permanent residence, plus 320,000 under the Displaced Persons Act, as amended, or—mark this, Mr. President—approximately 679,000 displaced persons by June 30, 1951, without counting those who are admitted as regular immigrants during 1948, 1949, 1950, and 1951. In addition, the bill makes provision for the admission of 5,000 orphans or abandoned children and 5,000 adopted children. How can it be said that we have not taken our fair share, in the face of this record?

It has also been loosely charged, Mr. President, as I stated previously—and again, Mr. President, I use the word "loosely" advisedly—that our displaced persons program discriminates against persons of the Jewish and the Catholic faiths. A brief glance at the record will demonstrate that this charge is not founded upon fact.

Mr. President, I stated in the earlier part of my remarks that I was a member of the subcommittee, which acted under its very able chairman, Senator Revercomb, of West Virginia, in the Eightieth Congress, when the 1948 act was drafted. I do not think it is necessary for the senior Senator from Nevada to state that he is a Roman Catholic. I do not think it should be necessary for him to state that some of his most intimate friends, some of his best friends in all the world, belong to the Jewish faith. I do not think it should be necessary, so far as my colleagues are concerned, for me to state that there is nothing in my make-up which would cause me to discriminate against anyone by reason of his religion or his blood. Certainly it need not be stated that I would not be a party to the formation of any measure which would discriminate against the religion which was given me by my mother.

So, Mr. President, to state that there is discrimination in the 1948 act against Catholics and Jews, is to fly in the face of the record.

During the war years, of the hundreds of thousands of displaced persons who were admitted into the United States, it is reliably estimated that approximately four-fifths were of Jewish faith.

Under the President's directive of December 22, 1945, visas were issued to 23,594 displaced persons of Jewish faith; 5,924 to displaced persons of Catholic faith; and 3,906 to displaced persons of Protestant faith; in other words, 88 percent to persons of Jewish or Catholic faith, 12 percent to persons of Protestant faith.

The Visa Division of the State Department reports that under the Displaced Persons Act of 1948, as of November 30, 1949, visas had been issued to 127,866 displaced persons; 53,402, or 41 percent, to displaced persons of Catholic faith; 33,479, or 26 percent, to displaced persons of Jewish faith; 20,279, or 16 percent, to displaced persons of Protestant faith; 19,283, or 15 percent, to displaced persons of Greek Orthodox faith; and 1,423, or 2 percent, to displaced persons of unknown faith.

On January 23, Mr. Ugo Carusi, of the Displaced Persons Commission, testified before the Judiciary Committee that the registration of displaced persons completed by the International Refugee Organization in April 1947 showed that 60 percent were of Catholic faith, 25 percent were of Jewish faith, and 15 percent were of Protestant, Greek Orthodox, and other faiths. It should be noted that the IRO registration includes the so-called "hard core," who are not eligible for immigration to the United States, and also includes persons who immigrate

to other countries. Mr. Carusi further testified that of the approximately 130,000 displaced persons admitted under the act to the United States as of January 23, 1950, 48 percent were of Catholic faith, 25 percent were of Jewish faith, 25 percent were of Protestant, Greek Orthodox and other faiths, with 2 percent unreported. I have said before, and I repeat, there is no discrimination against displaced persons of Catholic faith or of Jewish faith. During my investigation in Europe, every representative of the religious voluntary agencies, and every employee of the Consular Service, Immigration Service, Counter Intelligence Corps of the Army, International Refugee Organization, and even the Displaced Persons Commission, testifying before me—and there were more than 50 such witnesses—stated that the 1948 act does not discriminate against Catholics, or Jews, or persons of any other religious faith. There was only one witness who testified otherwise—the European Coordinator of the Displaced Persons Commission, Mr. Squadrilli. Yes, Mr. President, those who wish to be informed know that there is no discrimination in our law. Because of the seriousness of the charge, however, and in order to prevent its repetition, the bill, as reported, contains a prohibition against discrimination in the administration of the law. It is really a prohibition.

The Judiciary Committee has had before it, at all times during its deliberations on H. R. 4567 and related bills, two major considerations—first, to draft such legislation as may be necessary on the subject of displaced persons within the framework of our general immigration laws; and second, to secure maximum protection of the security interests of the United States to assure the exclusion of subversive and undesirable displaced persons. With the exception of the advance in the so-called eligibility cut-off date, I believe H. R. 4567, with the committee amendments reported to the Senate, will accomplish these over-all objectives.

Mr. President, I am aware that an effort will be made to pass H. R. 4567 in the same form in which it passed the House of Representatives. Such a move should not, and must not, succeed for the reasons I have stated in my remarks today. I urge Senators not to vote on this important issue without of full realization of the consequences of passing the bill, either as passed by the other body, or in substantially the same form. I am confident that sound, mature judgment will emphasize the wisdom of the committee amendments, excepting, however, the advance of the cut-off date. I am equally confident that Senators who have studied this matter without bias, prejudice, or political commitment, will support the committee amendments.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

FEDERAL RENT CONTROL

Mr. LEHMAN. Mr. President, according to press reports, the Senate Appropriations Committee voted last week to cut the deficiency appropriation request of the Federal Housing Expediter from $3,600,000 to $2,500,000. In so doing, according to the newspapers, the Appropriations Committee recommended that the Senate and the Congress direct the Housing Expediter to liquidate his rent-control activities.

Mr. President, I do not know or pretend to know what the Congress is going to do about the action of the Appropriations Committee. The Committee has, I believe, every right to indicate its recommendations on this or on any other subject. But I, as one Member of the Senate, should like to serve notice that I will seek to restore the funds for the Housing Expediter to whatever level is absolutely necessary to enable him to continue functioning during the remainder of the fiscal year, without any thought of the liquidation of his activities.

As one Member of the Senate, the junior Senator from New York will use all his efforts to see that rent control is extended beyond June 30 for an additional year. I should like to see and shall propose that the rent-control law be strengthened. I should also like to see the administration of rent control strengthened.

I do not know as a fact, but I should guess that one of the reasons for the many instances, which I am sure exist, of injustices and inequities to landlords as well as to tenants, is that the Housing Expediter has had insufficient appropriations for an adequate staff to administer the law flexibly and intelligently. I am for the prevention of gross injustice to individual landlords through the inflexible application of rent controls. But I am also in favor of strengthened rent-control legislation to prevent gross injustices to tenants in localities where the shortage of adequate rental units is such that free competition does not exist, and where the tenants are not in a position to exercise freedom of choice in their selection of rental units and have no bargaining power in making that choice.

The war, with the unprecedented growth in our industrial production resulting from war demand and from the demand for our products abroad, brought us into the present housing shortage situation. It is right and proper that the Federal Government should continue to exercise its powers to protect the people, as far as possible, against the consequences of this situation. When and where we have adequate rental units, we should strike off rent controls without delay. But in those centers of population and industrial production, so essential to our national defense, we must not run the danger of upsetting the entire national economy, with the terrible consequences which might result from such a course, by abandoning rent controls.

Mr. President, the New York State legislature is now considering a measure for State rent controls. I am wholly in accord with such a measure, if it is a good rent-control law, adequately protecting the tenants and renters of New York, and if it is not a mere subterfuge to weaken rent controls, or to set the stage for their sabotage or abolition. But I am also in favor of the continuation of Federal rent controls, in which case the Federal controls would serve as a stand-by for State controls in New York; the reverse of the situation which now pertains. It is also necessary to have Federal controls for the sake of the rest of the Nation, in areas which do not have the facilities with which to institute adequate local controls, and yet have a crying need for such controls.

Mr. President, in asking the Senator from Nevada to yield, I thought he had completed his statement; otherwise I should not have made the request.

Mr. McCARRAN. I think probably I had completed it.

Mr. LEHMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McCARRAN. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded and that further proceedings under the call be suspended.

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR WARREN R. AUSTIN

Mr. WILEY. Mr. President, a few days ago, while reading the Christian Science Monitor, I came across a column by Mr. Homer Metz, who is the chief of the United Nations News Bureau for that publication, in which he spoke about a distinguished former Member of this distinguished body who sat next to me in the Senate for 2 or 3 years. I refer to the United States Representative to the United National, Warren R. Austin. I desire to read a few paragraphs from this very fine column:

> In his quiet, earnest way, Warren Austin, Chief United States Delegate to the United Nations, has scored something of a diplomatic coup in his lecture tour of Central America, now drawing to a close.
>
> In any event, this appears to be indicated by reports on the former Vermont Senator's trip which have been coming back to Lake Success through various Latin-American intermediaries.
>
> Mr. Austin has long held to the theory that inter-American unity is a sine qua non of Western Hemisphere security. Apparently he has succeeded admirably in convincing some of the more doubtful Thomases among Latin-American officials of the validity of this thesis.

Then there is this statement, which I think is of tremendous significance:

> Mr. Austin is one of the most refreshing individuals to appear on the international scene in a long, long time. He has the one quality that is needed above all others in international diplomacy—rugged honesty. Disagree with him if you will, but never doubt his sincerity, his desire to be fair. Mr. Austin is a Christian gentleman. No one could possibly represent the United States more ably.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UN'S AUSTIN: HIS "RUGGED HONESTY" IS ASSET FOR PEACE

(By Homer Metz)

LAKE SUCCESS.—In his quiet, earnest way, Warren R. Austin, chief United States delegate to the United Nations, has scored something of a diplomatic coup in his lecture tour of Central America, now drawing to a close.

In any event, this appears to be indicated by reports on the former Vermont Senator's trip which have been coming back to Lake Success through various Latin-American intermediaries.

Mr. Austin has long held to the theory that inter-American unity is a sine qua non of Western Hemisphere security. Apparently he has succeeded admirably in convincing some of the more doubtful Thomases among Latin-American officials of the validity of this thesis.

Outstanding among Mr. Austin's achievements to date in Central America appears to be the influence he evidently exerted upon President Trujillo of the Dominican Republic.

President Trujillo, who for one reason or another has made himself one of the most unpopular individuals in the Caribbean area, has asked the Dominican Congress to repeal a law, enacted at his request last December, which empowered him to declare war on any neighboring countries which, in his judgment, might be harboring enemies of Dominica.

Manifestly, possession of such arbitrary powers by any individual did not contribute to that hemispheric unity which is so essential if the west is to be able to withstand the aggressive encroachments of the Soviet Union and international communism.

In some way or other, Mr. Austin appears to have persuaded President Trujillo of this fact—no mean diplomatic feat by any standards.

To those who have followed Mr. Austin's career at the United Nations, his success in Latin America is not surprising.

The former Vermont solon is not one of the most brilliant or forceful diplomats regularly assigned to the UN. His speeches have not been devoid of clichés; from time to time he has indulged in obvious attitudinizing.

And yet his earnestness, his sincerity, his idealism, if you will, has expressed itself in unmistakable fashion on almost every occasion in which he has occupied the international spotlight.

I recall a corridor discussion among diplomats and journalists after a stormy Security Council session in which Mr. Austin had made a rather long, involved, and to some extent, ambiguous speech.

Several participants gave voice to critical appraisals of the American delegate's remarks, but a celebrated western diplomat who has often crossed polite swords with Mr. Austin cut them short.

"Mr. Austin is one of the most refreshing individuals to appear on the international scene in a long, long time," he said. "He has the one quality that is needed above all others in international diplomacy—rugged honesty. Disagree with him if you will, but never doubt his sincerity, his desire to be fair. Mr. Austin is a Christian gentleman. No one could possibly represent the United States more ably."

As an observer who has followed UN sessions since the opening Security Council meetings at Hunter College, I can attest that this opinion is shared by the overwhelming majority of diplomats and journalists regularly assigned to the UN.

The former Vermont Senator has done a truly excellent job at Lake Success in one of the most difficult periods in human history, and his success on his current Latin-American tour is especially gratifying to his friends and well-wishers here.

It is Mr. Austin's intention, it is understood, to take a less active part in the future in the hurly-burly of UN debate and devote his main efforts to directing the complex affairs of the United States mission and in explaining the nuances of American policy, both at home and abroad.

It is one observer's opinion that few, if any, persons in American public life are better qualified for such a vitally important task.

DISPLACED PERSONS

The Senate resumed the consideration of the bill (H. R. 4567) to amend the Displaced Persons Act of 1948.

Mr. WILEY. Mr. President, we have listened to a very fine talk by the distinguished Senator from Nevada [Mr. MCCARRAN] in relation to the displaced-persons statute. I believe this legislation represents one of the most important humanitarian challenges to the Eighty-first Congress, and I am sure the Senate will fulfill its Christian obligations to the displaced persons as well as to the expelled persons of German ethnic origin.

On previous occasions I have stated in great detail my position on each of the literally dozens of changes that are necessary in the present statute.

Obviously, this statute was designated in compromise form as a stopgap bill. However, now that we have seen it in operation and have noted its deficiencies, it is incumbent upon us to make necessary changes.

Throughout the consideration of this subject, I have emphasized that the thing for which most of us were hoping and praying would be a unity of the major religious and national origin groups so that the Congress would be able to act with speed and with assurances that the various groups felt the changes in turn would be equitable and nondiscriminatory in nature.

Fortunately, the various groups, Protestant, Catholic, and Jewish, as well as the groups representing the various ancestries of our American people have indeed united to a substantial degree, although, almost inevitably, there are some few differences particularly on the critical problem of expellees of German ethnic origin whose plight I have previously discussed on the Senate floor.

It was a year ago in February 1949, that I introduced liberalizing amendments to the present DP statute, and now at long last, I believe that the substance of my suggestions and of the recommendations made by my colleagues will be enacted by the Senate.

I have previously incorporated in the CONGRESSIONAL RECORD many messages from Wisconsin citizens and organizations who have rendered magnificent service in arranging for the admission and assimilation of worthy DP's to the Badger State. These individuals and organizations have been gracious in their comments regarding the activities of their senior Senator toward this same objective, and I am humbly grateful for their response. Naturally they, like myself, are interested in the careful screening of the DP's and expellees so as to make absolutely sure that in this atomic-hydrogen age, with all its potentialities for war and mass destruction, no unworthy individuals be given entry to this blessed land.

I have in my hands, Mr President, telegrams and letters from some of the outstanding religious and civic leaders and organizations in this country. I believe that the comments in these messages will be of interest to my colleagues. So I ask unanimous consent that the text of this correspondence be printed at this point in the body of the CONGRESSIONAL RECORD, because each of these letters and telegrams is an open expression of the faith and the judgment of these very fine groups and individuals.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 22, 1950.*

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.:

May we take this opportunity of commending you for associating yourself with the minority report recently introduced in the Senate to amend the Displaced Persons Act of 1948. We are appreciative that you have found it possible to demonstrate your interest in displaced persons in so concrete a way. We are grateful for the recognition which you and your six other colleagues give to the fact that the displaced persons problem cannot and must not be solved by partial or halfway measures.

We want you to know that throughout America there continues a grave sense of responsibility for helping the displaced persons still homeless in Europe. Many American citizens have dedicated themselves to offering new homes and new opportunities of work in American to displaced persons. We feel that the substitute amendments most closely reach the objectives which have been recommended by our various groups concerned with the resettlement of displaced persons and represent an advance toward a workable, just and humane law.

Basically the modifications of the present DP act incorporated in the bill accompanying the minority report are favored by those of us actively engaged in sponsoring displaced persons.

In addition we feel it would be advisable to designate the group which is benefited by section 12 in terms that are not suggestive of distinctions according to race. We feel that referring to persons because of their "German ethnic origin" is not in keeping with our democratic tradition and heritage. We would also hope that provision could be made to cover the inland transportation for DP's we welcome to America. This will help to implement a broad geographic distribution of DP's throughout the country. We earnestly hope that the Senate as a whole will accept the corrections you have offered in the substitute amendments when the matter of adequate legislation to admit displaced persons comes before them for consideration.

Rt. Rev. Msgr. EDWARD E. SWANSTROM,
Executive Director, War Relief Services, National Catholic Welfare Conference.
Rev. WALTER W. VAN KIRK,
Executive Secretary of International Justice and Goodwill, the Federal Council of the Churches of Christ in America.
Rev. CLARENCE KRUMBHOLZ,
Executive Secretary, Division of Welfare, National Lutheran Council.
Dr. BERNARD J. BAMBERGER,
President, Synagogue Council of America.

CATHOLIC WAR VETERANS OF THE
UNITED STATES OF AMERICA,
Washington, D. C., February 20, 1950.

MY DEAR SENATOR: The Catholic War Veterans of the United States of America have long been interested in displaced persons' legislation. In two national conventions, the 1670 posts and 400 auxiliary units of our organization have gone on record requesting our Government to maintain its position as being the asylum of the oppressed.

In a matter of days, there will come before you, legislation relative to these stalwart souls who have refused to subject themselves to the materialistic will of a satanic power. We have been cognizant of this legislation and our interest urges us to request you to support the Ferguson-Graham-Kilgore amendment, which we believe will improve the judiciary bill. This amendment will add a fair solution to the displaced persons' program. We respectfully urge your support of it.

Yours in C. W. V.

NICHOLAS J. WAGENER,
National Commander.

RESOLUTION, TEXAS CONVENTION, CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, JUNE 16, 17, 18, AND 19, 1949

Whereas, the United States has recognized the plight of the displaced persons in Europe by adopting Public Law 774 (80th Cong.), also commonly known as the Displaced Persons Act of 1948; and

Whereas in the cause of further facilitating the admission of displaced persons to the United States, it is most desirable that this act be amended; and

Whereas there have been introduced into the Eighty-first Congress, first session, in both House and the Senate, bills to amend Public Law 774; and

Whereas recently the House of Representatives by a voice vote approved House bill H. R. 4567 amending Public Law 774; and

Whereas the Judiciary Committee and the Subcommittee on Immigration and Naturalization of the Senate has not taken action to date; and

Whereas in addition to the assistance rendered to the displaced persons by the liberal provisions of H. R. 4567 there still remains a deserving group of European displaced persons not provided for by H. R. 4567 and who are presently residing outside of the occupied areas of Germany and Austria, and Italy, and who are not yet firmly resettled, and who continue to remain a serious problem; and

Whereas the Catholic War Veterans of the United States of America has for the past 5 years strongly indicated its great interest in the welfare and resettlement of the displaced persons and has continually urged the adoption of legislation that would bring these fine people to the shores of our great country: Therefore be it

Resolved, That the Catholic War Veterans of the United States of America in annual convention assembled at Houston, Tex., on June 15, 16, and 17 hereby records itself as praising the House of Representatives for its prompt and favorable action in passing bill H. R. 4567; and be it further

Resolved, That the Catholic War Veterans of the United States of America strongly urges that the Senate committee take prompt and favorable action on the displaced persons legislation now before it and further expresses the hope for early action by the Senate; and be it further

Resolved, That the Catholic War Veterans of the United States of America propose that up to 10 percent of the total number of visas authorized under H. R. 4567 be applied to these displaced persons outside Germany, Austria, and Italy who are not permanently resettled and are otherwise eligible; and be it further

Resolved, That copies of this resolution be forwarded to the members of the Senate Judiciary Committee as well as to each of the Members of the United States Senate.

WASHINGTON, D. C., *February 23, 1950.*

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.:

As Americans we are deeply concerned that our country fulfill our moral obligation and international commitment to find new democratic homelands for the helpless displaced human beings under our care in Europe. Therefore we respectfully petition the Members of the United States Senate to approve the substitute amendments to the Displaced Persons Act of 1948, presented by Senators FERGUSON, GRAHAM, and KILGORE. It is our sincere and heartfelt conviction that without these amendments it is impossible for us to create a displaced persons law that will enable our Nation to admit our share of displaced persons in a just, humane, and fair way.

Gen. Lucius D. Clay, Mrs. Franklin D. Roosevelt, James A. Farley, Maj. Gen. William J. Donovan, James F. O'Neil, Judge Joseph Proskauer, James L. Kraft, Mark Ethridge, Fred Lazarus, and Harry Bullis.

NATIONAL CATHOLIC
RURAL LIFE CONFERENCE,
New York, N. Y., February 9, 1950.

Hon. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR WILEY: I have been very happy to learn that progress is being made on the displaced persons legislation and especially that you have given it your encouragement and support. A number of us have hopes that a satisfactory bill will be finally forthcoming incorporating the best features of what has been presented thus far. The following are objectives which seem to us most desirable of attainment in the amended legislation to assist displaced persons and expellees:

1. A definition of a displaced person that will not cause confusion or result in unnecessary competition with the remaining IRO displaced persons who may be eligible to enter the United States within the total number of visas authorized.

2. Provision under section 12 for a number of expellees equivalent to approximately half of the German and Austrian quotas for a 4-year period. Eligible expellees within this number should be provided with the opportunity for housing and job assurances, ocean transportation and remission of visa and head-tax fees as is granted displaced persons under the present law.

3. Extension of the date line to January 1, 1949.

4. Provision for orphans and children adopted by United States citizens not merely service personnel.

5. Some aid to Greek displaced persons seeking permanent resettlement.

6. Opportunity for resettlement for approximately 4,000 European refugees formerly residing in China, but now in the Philippines.

7. Substitution of a suitable wording for the words "ethnic origin" at present to be found in section 12. It being understood that the new wording would apply to this same group and to no others.

8. Administration of the displaced-persons program by the Displaced Persons Commission including final declaration of eligibility. A change to another arrangement at this time would cause considerable delay in the resettlement program and would add to the expense, as new personnel would be necessary.

9. A grant for inland transportation costs, if this can be satisfactorily worked out. Some of the operating agencies feel that a grant is a better arrangement than a loan for this purpose.

A number of persons to whom I have spoken feel that the Senators have proven their interest in the displaced-persons problem through the efforts they have made for amended legislation. I hope that final action will not be too long delayed.

With all good wishes, I remain,

Very sincerely yours,

(Rev.) WILLIAM J. GIBBONS, S. J.

WASHINGTON, D. C., *January 24, 1950.*

The Honorable ALEXANDER WILEY,
Senate Judiciary Committee:

The CIO strongly supports the President's recommendation for liberalizing the extending the present DP law. Discriminatory and unjust laws have no place on our statute books. In its two last annual conventions, the CIO has formally voted approval of admitting a larger number of displaced persons into the United States. If we in the CIO felt that this action would adversely affect the labor market today, we would not have taken this action. It is preposterous for any one to think that a humanitarian program like this which adds three-tenths of 1 percent to the total labor force can injure labor. The CIO calls upon the Senate to pass H. R. 4567 at the very earliest possible time.

PHILIP MURRAY,
President, CIO.

CHICAGO, ILL., *January 20, 1950.*

Hon. ALEXANDER WILEY,
Senate Office Building:

Six million Americans of Polish origin united in the Polish-American Congress through their organizations, lodges, clubs, parishes, and newspapers in 26 States urge you strongly to support in the Senate the House-passed bill H. R. 4567 which corrects the deficiencies of the Displaced Persons Act of 1948 and includes members of the valiant Polish armed forces. Your favorable consideration of this bill will be deeply appreciated by millions of your fellow citizens who are eager to assume their fair share of the humane problem of the DP's.

CHARLES ROZMAREK,
President Polish-American Congress.

Mr. KILGORE. Mr. President, the issue we are debating today is a very simple one. It is: Do we want a fair and workable displaced persons law, or do we not? In the next few days the air is going to be blue with circumlocutions, charges, allegations, justifications, vigorous defenses, violent attacks, but when all the smoke has lifted, the issue simply remains: Do we want a fair and workable displaced-persons law?

Those of us who wanted a workable displaced-persons law voted for the present law in 1948, not because we thought it filled that specification, but rather because we realized it was all we could get at that time. The President signed it, as he said, "with very great reluctance." As he signed the bill he said it was "flagrantly discriminatory. It mocks the American tradition of fair play."

He was referring to the bill, and not, as has been alleged at various times, to the framers of the bill. The President felt, as others of us have felt, that the way the bill worked made it discriminatory, not that its authors were trying to discriminate against anyone. For one thing, he meant that the dateline was discriminatory. The fact that even the Committee bill has changed the dateline shows that that contention is now recognized to have been correct.

At the appropriate time I, together with 17 of my colleagues, expect to offer a substitute for the House bill as reported by the committee. At that time I shall discuss the substitute at some length. I should like to invite the attention of all Senators to the fact that a printed copy of the proposed substitute amendment has been placed on all desks in the Chamber, so that any Senator who cares to do so may read and study it.

The bad points of the present law, according to the President, "form a pattern of discrimination and intolerance wholly inconsistent with the American sense of justice." Despite the fact that the present law was a bitter disappointment to those who wanted a fair and workable displaced persons law, the President signed it with the expressed expectation that Congress would amend the law, as we are now attempting to do.

We are not talking here about a matter of purely sectional or partisan interest. The platforms of both political parties have shown dissatisfaction with the present law, and committed themselves to a decent and workable law. This is perhaps one of the few occasions in recent legislative history when organized labor, organized business, and organized agriculture have jointly supported a single legislative program. The governors of 23 States, and representative organizations from all walks of life in America and from all parts of the country have urged upon the Senate enactment of a just and fair displaced-persons law.

There has been, and still is, a lack of understanding of what the displaced-persons law provides. It does not repeal our immigration law. The same requirements must be met by a displaced person which are met by any other immigrant who seeks to come here for permanent residence, plus others which must be met by the displaced person which are not required of the immigrant under normal immigration laws. He must pass the requirements of the Immigration Service and the requirements of the Consular Service. The only difference is that the displaced persons law gives the displaced person a priority on the normal immigration quota. The quotas are not changed.

Let me emphasize, Mr. President, that displaced persons are charged against regular immigration quotas.

All the major religious faiths in America—the Catholic Church, the Federal Council of Churches of Christ, the National Lutheran Council, and the Synagogue Council of America—have jointly urged upon the Senate amendments to the present law, for a more satisfactory law, in the spirit of American traditions.

Editorial comment throughout the land clearly discloses an almost universal agreement that the present law must be changed and that the conscience of America is ashamed of our present niggardly, restrictive, and unfair displaced-persons law.

Those who do want a fair and just displaced persons law have come to these conclusions: First, that we do not have one now; second, that unless we do something now and do it well we will never be able to terminate the present IRO displaced persons problem, which weighs so heavily upon the conscience and pocketbook of the American people; and, third, that our willingness and capacity to assume world leadership will be forfeited unless we take forthright and fair action in this matter.

Mr. President, yesterday I had the privilege, on behalf of myself and 17 other Senators, of offering a proposed substitute for the bill reported by the Judiciary Committee to amend the displaced-persons law.

There are certain major things we must do now, Mr. President, if we are to have a satisfactory and workable and fair displaced-persons law.

First and foremost, we must change the discriminatory provisions of the present law. I am happy to say that both the committee bill and the substitute bill have extended the discriminatory December 22, 1945, date line of the present law to the fair and almost universally accepted date of January 1, 1949. The committee bill has also eliminated the in-camp priority, and here again we have a very excellent amendment.

However, Mr. President, the committee bill retains two of the undesirable provisions in the present law, and, to make matters worse, weakens a fine provision in the House-approved bill which forbids discrimination for or against displaced persons because of race, religion, or national origin, and does it in such a way as to imply that there should be favoritism because of race or national origin.

The undesirable provisions which the committee bill seeks to retain and which the substitute bill has eliminated are:

First. The 40 percent so-called de facto preference, which grants an unwarranted advantage to certain groups wholly because of national origin, and works to the disfavor of Jewish and Catholic groups. In fact, the provision is merely positive proof that the committee bill requires favoritism because of national origin.

The 30 percent agricultural preference which also carries its implicit favoritism. This restriction creates a very serious administrative difficulty, which is further complicated by a requirement of proof of 2 years previous experience.

The substitute bill has adopted the language of the House-approved bill forbidding discrimination for or against displaced persons because of race, religion, or national origin, and I submit, Mr. President, that this is consistent with the American concept of fair play and equality among groups irrespective of their race, their religion, or their national origin.

Second. I think, Mr. President, that my colleagues will agree that it is desirable to bring the IRO refugee problem to an end at the earliest possible moment. We will have contributed by the end of June 1950, a total of $212,000,000 to the IRO. That has been our share of the operating expenses of IRO. Our last annual contribution was $70,000,000 and all this money, Mr. President, has been spent in behalf of the refugees, for their care, maintenance, and resettlement under the IRO which, as we all know, was created by the United Nations—Russia, of course, excepted.

So, Mr. President, any displaced-persons law which we may pass and which is designed to solve the IRO refugee problem, has the twofold purpose of solving an international problem to which we have been committed, as well as relieving the American taxpayer eventually of a heavy financial burden. The substitute bill, I submit, Mr. President, will have this effect, but the committee bill as now reported I regret to say will not bring the IRO refugee problem to an end, but rather encourages its continuation.

Permit me, Mr. President, to explain what I mean by this statement. The present law—section 2 (b)—defines a displaced person to mean one so defined in the IRO Constitution and who is the concern of the IRO. By that is meant one who is being supported by IRO funds and being cared for out of such funds. The committee bill deletes this provision and substitutes a new statutory definition which includes not only the displaced persons for which the IRO has been given responsibility, but also some 8,000,000 expellees who are not now the concern of any international body. It is this definition which dilutes the availability to the IRO displaced persons of the authorized number of visas.

In other words, the House bill, and the proposed substitute bill, would give to the German ethnic-origin group, who compose the main part of the expellees a total of 54,744 visas. Except for certain selected groups for which we are charged, for instance Anders' Army Poles, the 10,000 Greeks, the 4,000 refugees who originally were refugees from Europe to Shanghai, and now are refugees from the Communists in Shanghai, a great many of them being in the Philippine Islands at the present time, they having fled to any place where they could find refuge—except for those persons the remainder of the bill is taken up with displaced persons within the meaning of the IRO definition. These are persons for whom we are now conducting camps, issuing food rations, in other words, who are now what might be called upon international relief, of which amount of relief we are paying almost 70 percent of the total. As I stated before, that total we contributed to the IRO amounted last year to $70,000,000.

Such definition would create very serious difficulties and would cause a break-down in the program:

First. The displaced persons within the IRO's concern are registered and have been known for some time. If the bill would add new people as to whom there are no official records, the already great problem created by restrictions maintained by the bill would be augmented to the necessities of proof.

I call attention at this point to the fact that one of the objections made in 1948 upon the floor of the Senate to the dateline December 22, 1945, was, and it has since proved to be true, that there would be great difficulty of proof in connection with that dateline because most of the people were registered at a later date. That happened to be the date the President signed the directive. But later we had to lift the restriction, due to perse-

cution from behind the iron curtain. As I said, there had been no registration. The persons had fled into the camps, had fled into Germany. By putting too strict, too low a dateline we created the very problem which has been so inveighed against in connection with the question of fraudulent applications.

Second. The new bill creates great confusion as to the emigration of Volksdeutsche or expellees by authorizing two separate agencies of the Government to engage in two separate procedures for their admission. Section 2 (b) would let them in as displaced persons under the Displaced Persons Act, whereas section 12 would let them in as ordinary immigrants with a special quota charge.

Third. The problem of the expellee is a serious one and deserves careful attention. If it is our intention to bring some remedy, small though it be, to this tremendous human problem, we have not done so through this bill. Something must be done for these expellees. But this bill does nothing for them. It plays one group off against another to the detriment of both groups. We propose to strengthen section 12 and make it an effective instrument for the admission of expellees rather than weaken section 2 and nullify opportunities for IRO displaced persons. This, incidentally, is the view of the religious and voluntary agencies involved, various church organizations and civic groups, which are of such assistance in placing displaced persons in this country, securing assurances of work, assurances of homes, without which the Government would be put to great expense in the operation of the agency.

While some people may feel that a great moral victory has been won by extending equal eligibility status to the expellees as that enjoyed by the displaced persons under the care of the International Refugee Organization, the fact is no practical results may be attained through this moral victory. It is fair to assume that it was the intent of the committee to make it possible for eligible expellees to be admitted into the United States, and therefore it is important to point out the basic reasons why the equal status cannot be applied:

(a) The processing centers have been established by the International Refugee Organization and are maintained by them. Under the IRO constitution it is impossible to admit expellees to these processing facilities.

(b) Arrangements would have to be made to set up resettlement centers in Germany and Austria independent of the IRO in order to meet the new definition of a displaced person. These resettlement centers must provide facilities for the full care of the applicants for immigration to the United States for a period of from 1 to 2 weeks. In addition, facilities must be provided for all the agencies of the United States Government identical with those that now apply in the IRO resettlement centers.

(c) Centers would have to be established at the ports of embarkation, similar to those now established by the IRO to provide for persons under its care. Experience has proven that persons approved for immigration to the United States must wait in the ports of embarkation for a period of from 5 days to 2 weeks. Since there are no available housing facilities in the port of Bremen, the complete facilities for embarkation camps would have to be provided. In other words, they would have to be built there.

(d) The IRO is responsible for providing transportation from Europe to the United States for all persons under its care who are approved for immigration to the United States. It is impossible for the IRO to provide similar service for expellees.

Thus, we would be faced with the problem of shipment. The IRO charters ships and uses them to bring to the United States the persons for whom it is responsible. It brings them to the United States in shipload lots. Those persons and the expellees could not be mixed; the IRO would refuse to accept expellees for transportation to the United States, unless the charter of the IRO were amended. The IRO cannot constitutionally consider expellees to be its charge.

Mr. President, we have the problem of getting people to a port and then examining and interrogating them, and determining, by the use of some sort of mystic wand, the ones the IRO will transport and the ones we must take care of; and then we have the responsibility of getting the two groups aboard different ships, for transportation to the United States. Either that would have to be done, or else we would have to pay the IRO for shipping them in IRO ships, even though we are now paying almost 70 percent of the cost of operating the IRO ships, anyway. But, under its charter, it cannot do this. It would be necessary for the Government of the United States to provide facilities to transport expellees to the ports of entry in the United States; and the committee bill does not make such provision.

Students of the expellee problem are agreed that it is impractical to seek a remedy for this problem through the simple expedient of changing the definition of a displaced person. There is almost unanimous agreement among the religious, nationality, and welfare groups seeking to deal with the expellee problem that the best step now would be to make section 12 of the Displaced Persons Act really effective and workable. These groups have agreed upon the desirability of the provisions proposed by our substitute amendments which have been filed with this body.

The bill would set up a joint congressional committee to study and report on expellees. To date, the problem of dealing with expellees has not been undertaken by any international body. To continue dealing with the problem without such international cooperation would tend to place the entire burden for its solution, as to the 8,000,000 expellees, upon the American people.

The substitute, Mr. President, which we expect to offer, provides for the calling of an international conference to deal on a broad basis with the important problem of expellees. This solution is likely to be more effective for the expellees and less costly for the American taxpayer. Before I depart from the subject of expellees, Mr. President, I want again to call the attention of this distinguished body to the substitute-bill provision which—and I want to emphasize this—assures 54,744 visas to expellees, and provides for their ocean transportation to the United States, something which has not been done before.

Third. I am sure, Mr. President, that fair-minded and objective people favor a continuation of the present administration of the displaced-persons program. The committee bill creates a serious and unnecessary slowdown in operations by a provision that final determination—and I stress the words "final determination," of eligibility—by that is meant eligibility to be classified as a displaced person, not admissibility for immigration—shall be made exclusively by the Immigration and Naturalization Service and the American Foreign Service. In other words, the Displaced Persons Commission could make a finding that a certain person was eligible as a displaced person. Then he would appear before the Foreign Service officer for his visa. That office would go over the same ground and would make a final determination as to his eligibility to be classified as a displaced person, before it would consider him as qualified for a visa. Then he would go before the Immigration and Naturalization Service, and the question of whether he was a displaced person would arise again, and that Service would make another final determination. In other words, there would be three investigations and seemingly several "final" determinations.

That is what the situation would be under the bill as reported by the committee. That bill provides that both the Immigration and Naturalization Service and the Foreign Service of the Department of State shall make the "final" determination of eligibility of applicants. We cannot understand how these two agencies—acting separately and, under the normal immigration law and procedures, one after the other, the immigration officers pass upon admissibility after issuance of the visa by the consuls—can both make the final decision. In other words, the displaced persons must first appear before the consul and must satisfy him that they are eligible to come into the United States as immigrants, just as they would have to do if they were coming under a regular quota. Then they must appear before the Immigration Inspector, and must satisfy him that they come within the limitation of our immigration laws; in other words, that they will not become public charges and they are not diseased. They would have to qualify in every way that is required in the case of other immigrants. At the present time that is being done abroad by our regular Consular Service, by an outpost of immigration inspectors we have sent abroad. Normally, that would be done at Ellis Island, for instance. But now it is done abroad by some of the Government's inspectors.

At a hearing at which the chief of the European inspectors, Mr. Tripp, appeared, I asked him where he would get

a staff, if we turned this work over to him. He replied that it would take some time to train one. I asked the same question of Mr. Watson B. Miller, Commissioner of Immigration and Naturalization. He said it would take a long time to get them, that they did not have them to spare. As a matter of fact, Mr. President, they had loaned eight men to the Displaced Persons Commission; those were all the men they could spare. Of course, immigration inspectors are not made overnight. They require considerable training and experience. Thus, it should be obvious that a change in administrative jurisdiction at this time would cause a serious delay, if not a complete break-down, in the entire program.

Furthermore, Mr. President, in respect to their particular fields, the decision of the Consular Service is final; and the same is true in the case of the Immigration and Naturalization Service. Under the immigration laws, there is no appeal from its rulings. The only appeal is to an Appeals Board within the Department of Justice, and from it to the Attorney General. There is no appeal back to the Displaced Persons Commission. In other words, the Displaced Persons Commission cannot and does not overrule either the Consular Service or the Immigration Service.

Moreover, it seems to us that the committee provision would preclude the Board of Immigration Appeals, which is not a part of the Immigration and Naturalization Service, and the Attorney General from making decisions on appeal, as under present immigration law. In other words, under the rules of the Immigration and Naturalization Service an applicant now has the right to go before the Board of Immigration Appeals, to have it determine whether the primary inspector has made a mistake.

To take one further step, does the word "exclusively" in this connection seek to remove the authority of the courts to review such "final" consular and immigration determinations? Intertwined with these complexities is the authority granted to the Displaced Persons Commission by the law, and not diminished by the committee version of the bill, to issue regulations for the admission into the United States of eligible displaced persons and eligible orphans. The consuls and immigration authorities evidently would not have to pay any attention to the clear congressional intent, because they could ignore the regulations which, when issued in accordance with the act, have the force of law.

In the administration of the present law, all determinations of admissibility under the normal immigration law are made by the Foreign Service and by the Immigration and Naturalization Service, and all determinations of eligibility under the specific provisions of the Displaced Persons Act are made by the Displaced Persons Commission. This practice is based upon a mutual agreement among these three agencies as to the most effective and economical way to carry out the intent of the law, and has been working most satisfactorily. And it is obviously the congressional intention that this should have been done.

Under the present procedure, over 28 percent of all the cases preliminarily considered by the Commission for eligibility are rejected or disqualified by the Commission before they ever get to the consul, and without the necessity of the long, expensive investigation which is conducted in cases of prima facie eligibility. If final determination of eligibility under the special provisions of the Displaced Persons Act, as well as of admissibility under the normal immigration law, must be made by the consuls and Immigration Service, then the Displaced Persons Commission must forward to them all cases, even those it now rejects. This would automatically slow up the process and would cause disappointment to sponsors in America who feel that the process is now sufficiently complicated and already too slow. One of the complaints I have received is in regard to the time it takes to get a displaced person to the United States and the delay arising before a prospective employer can have a displaced person brought into the United States. The Foreign Service prefers that it not be burdened with the large number of cases which have already been turned down by the Displaced Persons Commission.

The Displaced Persons Commission has performed its functions in a diligent and satisfactory manner. Not only is there no need for the change included in the committee bill, but it is clear that such change would seriously disrupt and temporarily halt a smooth-working process, without accomplishing any useful end.

It is important to note that the Displaced Persons Commission does not admit displaced persons into the United States. Mr. President, I wish to emphasize that point. It does not admit them; it can merely certify that they are displaced persons, and that it has, from a responsible person or organization, an assurance of their placement. That is as far as it can go. The rest must be done by the consular service and by the Immigration and Naturalization Service. The Displaced Persons Commission does not even make a recommendation to the consuls. It processes cases for submission to the consuls, who have complete authority, under the normal immigration law, to grant or deny visas; and it processes cases for inspection by the Immigration and Naturalization Service, which has complete authority, under the normal immigration law, to admit or exclude displaced persons who have been granted visas. Consequently, the committee provision is unnecessary, and serves only to create additional difficulties in an already complicated administrative operation. Perhaps it is worth adding that it is very difficult to comply with the provision's requirement that the consular service have in each of these jobs persons with at least 3 years' experience. I wonder where they would get them. They do not know.

The committee bill recommends that the present law in this respect be unchanged.

Mr. President, the proposed substitute has had firm and vigorous support by the welfare and religious organizations of America which have been devoting their energies and strength to the welfare of displaced persons. The Federal Council of Churches of Christ, the National Catholic Welfare Conference, the National Lutheran Council, and the Synagogue Council of America, have all endorsed it. The substitute has been espoused by a widely representative group of distinguished American citizens including Gen. Lucius D. Clay, James F. O'Neil, former commander of American Legion; James A. Farley, Maj. Gen. William J. Donovan, Harry Bullis, chairman of the board of General Mills, Mrs. Franklin D. Roosevelt, Fred Lazurus, of Cincinnati, Ohio, Mark Ethridge, of Louisville, Ky., Judge Joseph Proskauer, and James L. Kraft, the industrial leader.

The great labor organizations of the country have come out in vigorous support of the bill. Only as late as 2 weeks ago the executive council of the American Federation of Labor called upon the Senate to pass a bill along the lines of the proposed substitute for the committee bill. Mr. Philip Murray, the president of CIO, has written me as follows:

> The CIO strongly supports the President's recommendation for liberalizing and extending the present DP law. Discriminatory and unjust laws have no place on our statute books. In its two last annual conventions, the CIO has formally voted approval of admitting a larger number of displaced persons into the United States. If we in the CIO felt that this action would adversely affect the labor market today, we would not have taken this action.
>
> It is preposterous for any one to think that a humanitarian program like this which adds three-tenths of 1 percent to the total labor force can injure labor. The CIO calls upon the Senate to pass H. R. 4567 at the very earliest possible time.

Since the receipt of the letter, the substitute has been exhibited to Mr. Murray, and has his approval. In fact, Mr. President, I think it is probably a fair statement to say that with the exception of the people who are opposed in principle to a displaced-persons law in any shape or form, the substitute proposed yesterday by 18 Senators is the generally accepted proposal for an amendment to the present law.

What are some of the major objections being raised at the present moment? By and large they are two in number. First, there are a very small number of complaints being raised by disgruntled employers or by sponsors of displaced persons in cases where for one reason or another the displaced persons have not worked out well. Of course, this is bound to happen in a program of such magnitude as this. But let us not be deceived by the occasional dissatisfaction. Let us look rather at the fact that the governors and State displaced persons commissions of at least 21 States recently reported that the great majority of displaced persons were working out satisfactorily. A special subcommittee of the House Judiciary Committee submitted a report on January 20, 1950, on "Displaced Persons in Europe and Their Resettlement in the United States." It is House Report No. 1507. The report of the subcommittee was based on a Nation-wide survey, made by

communicating directly with the governors of the 48 States, the State displaced persons commissions, and with religious and welfare agencies working in this field. The overwhelming number of such reports indicate satisfactory adjustment, successful adaptation to new environment, and a desire to receive more displaced persons. The report also attests to the high grade character of the large majority of the displaced persons.

Mr. President, I received one complaint that certain persons who were sent to work on a farm did not perform satisfactorily. The reason was that they could not understand English. Of course, Mr. President, they could not understand English. Their native language was German, and they had not had a chance when they came to America, in a period of 2 or 3 weeks, to learn the English language. Imagine what would happen if one of us were to go to their country and, without a knowledge of the language, go to work on a farm. We would be using the sign language largely in communicating with others, and that is what the people I refer to have had to do. Yet there has been complaint because of that.

The fact is that the overwhelming majority of the displaced persons are making out very well in the United States, and are giving satisfaction to their sponsors.

A second kind of objection is expressed by people who are opposed to the program altogether and are seeking to exaggerate alleged administrative problems into a national crisis. By and large, the testimony is pitiful, and is given either by men who sincerely admit that they merely disagree on questions of legal interpretation or by other people, some of them minor employees in the program, who failed to exhibit either interest or understanding of the program's objectives. In any event, the question of administrative problems is a completely different issue from the one we are now debating and has no relevance to it at all except as part of an effort to confuse the issue and attack the merits of the displaced-persons program. I might also add that throughout this welter of unsubstantiated and frequently foolish charges the Displaced Persons Commission has never been given an opportunity to be heard in public. Mr. President, I believe these issues should be settled, but I believe they have no relationship to the problem we are now discussing and should not enter into this discussion at all.

Since we are talking about administration, it might be pertinent to call to the attention of Members of this body the conclusion of the House Judiciary Committee's special overseas survey of the displaced persons program. On January 2[illegible], 1950, the House committee reported:

> The studies and investigation undertaken in Europe have convinced this subcommittee that, on the whole, the administration of the 1948 act is being undertaken in a diligent and satisfactory manner.

In the face of an all but unworkable law, the Commission's efforts to achieve the congressional intent deserves high commendation rather than unwarranted and unsubstantiated criticism.

Let me add only one further item on this matter. Since there has been some discussion of the security aspects of the program, the great and distinguished statesman, the Presiding Officer of this body, the Vice President of the United States, has recently said:

> There has never been in my judgment, in the whole history of the United States, a more careful piece of machinery of inspection and investigation than is now in effect in regard to the administration of these displaced persons in the United States. Our Army, through its Counter Intelligence Service, all of our consuls abroad who have to pass on visas, the Federal Bureau of Investigation, the Department of Justice, the Immigration Service, everywhere—here and elsewhere—and many others which I might mention, are a part this screening process. I do not know how there would be any better system of investigation by which it could be determined that those who are permitted to come are entitled to come.

Mr. President, the present situation affords an extraordinary opportunity for a demonstration of national unity. The substitute bill, which I had the honor to introduce yesterday in behalf of myself and 17 other Senators, has found enthusiastic support throughout our Nation. It represents the point of view urged upon this body by 23 governors from all parts of the United States; it represents the united opinion of organized labor, business, and agriculture. It is the proposal recommended to this body by the leaders of our major religious faiths in America. It is in the spirit of almost unanimous editorial approval throughout the United States. It is, I believe, in the real spirit of the American tradition.

Mr. President, I sincerely hope, and earnestly urge, that all Members of this body will carefully read the substitute which has been placed upon their desks. If there are weak spots in it, we who sponsor it have not discovered them. We believe it will, if enacted, make workable the present law, which has been very difficult to administer. We believe it will remove the unfairness and the restrictions of persons getting valid certificates.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. KILGORE. For what purpose?

Mr. LUCAS. For a question.

Mr. KILGORE. I yield for a question.

Mr. LUCAS. I should like to propound a question to the Senator, dealing with quotas. Has the Senator discussed what is known as the mortgaging of quotas in his speech today?

Mr. KILGORE. Yes, to some extent.

Mr. LUCAS. Am I correct in my understanding that, under the present law, all displaced persons entering the United States must be charged to the normal quotas of the country of origin?

Mr. KILGORE. Yes; a charge or so-called mortgage is placed on 50 percent of the quota of each successive year.

Mr. LUCAS. I understand.

Mr. KILGORE. In other words, we are not overlooking the quotas, and we are not increasing the eventual numbers authorized under the present normal quotas.

Mr. LUCAS. That is the point exactly. The people do not understand it.

Mr. KILGORE. There is another thing I may say to the distinguished majority leader. We must remember that for a long period of time, especially during the war years, there was very little immigration even under the quotas.

Mr. LUCAS. I thoroughly understand that. But I have letters in my files, and I think the press reports would indicate that in addition to the normal quotas we now have for the people of a certain country, we are also admitting an additional number of displaced persons; and that is not the fact, as I understand. In other words, the displaced persons are only given priority, so to speak, so far as quotas are concerned, and we are not increasing the quotas in any respect whatever.

Mr. KILGORE. No, no; we are not changing the quota system. We are charging displaced persons who are admitted against the quota of their country of origin. A refugee who happened to originate in Rumania is charged to the Rumanian quota.

Mr. LUCAS. I do not think the Senator can make that too plain. I think it should be talked about in the debate over and over again. A great number of citizens of the United States are laboring under a delusion with respect to people who are coming in as displaced persons. I could show the Senator letters which indicate that a citizen in Illinois is under the impression that, in addition to the normal quota of persons coming, for instance, from Belgium or from some other nation, we are also bringing in displaced persons from that country, when the truth of the matter is that all we are doing is giving priority to the displaced persons, so far as quota is concerned.

Mr. KILGORE. That is correct. We are, thereby, bringing to an end a serious situation without in any way disturbing the normal immigration quotas.

Mr. LUCAS. In other words, we are in no wise changing the present immigration laws, so far as quotas are concerned.

Mr. KILGORE. Not one iota.

Mr. LUCAS. They remain exactly as they are. What we are doing, I repeat—and I hope to talk about it again before we conclude the debate—is giving the displaced persons, as the Senator stated a moment ago, an opportunity to come in under the quota ahead of anyone else.

Mr. KILGORE. We give them a priority over other applicants, but within the authorized cumulative quotas.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. TYDINGS. The Senator will recall that I introduced a bill to permit a certain number of war orphans to come into this country as a part of the program. I understand that that bill, at least in part, has been incorporated in the committee bill, and I think approximately 10,000 orphans will be permitted to come into the United States.

Mr. KILGORE. A total of 10,000.

Mr. TYDINGS. I do not know what evidence there was before the committee touching on this question, but I have in my office, and I think the Senator will be glad to hear it, rather striking evidence of the willingness of a great many rather prominent and substantial persons to adopt some of the orphans. For example, a celebrated doctor in Massachusetts, I think, who has a large practice and is a very substantial member of the community, would like to adopt one of the war orphan boys and, at his own expense, send him to school to become a physician, with the idea of turning over his practice to him eventually.

Another person who has communicated with me is a very wealthy man, as things go in this world, and he is very anxious to take a deserving war orphan and make him his heir.

I cite those two examples, among many, of the willingness of our people in deserving cases, to adopt orphans when there seems to be a likelihood that their hopes regarding the children will be fulfilled. That is a great tribute to the humanitarianism of Americans.

I had the privilege, approximately a year ago, of talking with a Catholic priest who had built five "boys' towns," on the American model, just outside of Rome. These towns or camps are primarily for war orphans. At the time they were started, many of the children from 6 years of age up to 14 or 15 years of age were living in ruins and stealing in order to get food, clothing, and shelter, and were on the way to becoming totally bad citizens. The Catholic priest, whose name escapes me for the moment, started to raise funds and built five camps, which many of the Senators and Representatives have visited. Good citizenship is being implanted in the minds of those Italian youngsters. They had been little more than wild animals, particularly in the period immediately following the war.

If these war orphans are reasonably screened, to insure that those who come to this country are healthy—I hate to condemn the unfit, but we must have some self-interest in the matter—are reasonably fit physically and seem to have the capabilities of making good citizens, and our citizens are anxious to adopt them, it seems to me we can make a double contribution in a practical way in being good Christian people and being good Samaritans, and, at the same time, under an environment such as I have mentioned, these young persons will become good citizens and will return dividends to the United States in many useful occupations.

I am glad the committee incorporated this idea in the bill, because I think that of all the tragedies which have resulted from the war, the tragedy of little people, particularly those under 15 years of age, whose mothers and fathers are missing, who have no relatives, and who are friendless and alone, should have a wider appeal to our humanity and to our consideration in this program than should any other class of persons of whom I could think. I am glad the committee has put a provision of this kind in a bill. I think it adds a great deal to the bill to have such a provision in it. I would further say, with the consideration that there are families ready and willing to adopt some of these children, that there is no question of public charge, and it is one of the finest things this Government has done to reconstruct and rehabilitate a war-torn and desolated Europe.

Mr. KILGORE. I thank the Senator for his observation. I may say to the Senator that there are a number of requests from some of our Army, Navy, and Air Corps personnel, and from some of our civilian personnel, who want to adopt war orphans and bring them back to this country with them. A special proviso was made that we would, up to 5,000, adopt the proceedings in a German court as if they had been had in a court of the United States so that any United States citizen could bring in such adopted child.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. TYDINGS. I am likewise advised in this morning's mail that there are many societies composed of very outstanding persons of splendid background and patriotism who are organizing in an effort to find suitable homes for orphans who will be adopted and become members of the families which adopt them. That, too, is a matter of tremendous credit to our citizenship, for the building of a reconstructed and rehabilitated world is not like the building of a wall that can be constructed in a single day. It consists of many solid bricks of the character which we are discussing, which over a period of time, one after another, build the wall. I use that as an illustration of building civilization and humanity where it is desperately needed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had insisted upon its amendments to the bill (S. 1008) to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices, disagreed to by the Senate; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. WALTER, Mr. WILLIS, Mr. MICHENER, and Mr. CASE of New Jersey were appointed managers on the part of the House at the further conference.

REPRINTS FROM THE CONGRESSIONAL RECORD

Mr. CAIN. Mr. President, until about a month ago the junior Senator from Washington had understood, and taken for granted that the CONGRESSIONAL RECORD was a public document, and was therefore available to all Members of the Congress to use in whole or in part as they saw fit. I was necessarily surprised when I was informed by others that the CONGRESSIONAL RECORD was not in fact a public document in some senses. I was informed that the CONGRESSIONAL RECORD was clearly a public document when there was a wish to use it in one way, but it was not a public document when Members of the Congress sought to use it in another way. This so-called restrictive policy, which I held to be entirely untenable, aroused my curiosity and concern. I think that every Member of Congress will be interested in the steps I have recently taken in an effort to restore a freedom of use to a public document, the CONGRESSIONAL RECORD.

Without prejudice to or criticism of anyone, I shall merely relate the story of how I secured permission to have reprints made of a portion of the RECORD after I had been told by others that I could not be permitted to use portions of the RECORD as I thought proper.

The Senate will recall that on Tuesday, January 17, 1950, the junior Senator from Washington moved that the Senate proceed to the consideration of the bill, H. R. 3905, to amend section 3121 of the Internal Revenue Code. This bill included a section the intent of which was to reduce some of our outstanding war-created excise taxes. The Senate debated the motion on Wednesday, January 18, and it was defeated by a vote of 45 to 35, with 16 Senators not voting.

On Tuesday, January 24, 1950, I instructed a member of my staff to order through Mr. Ralph L. Harris, the Government Printing Office Congressional Record clerk, 2,000 reprints of the debate in its entirety. I wanted to make the debate available to interested citizens throughout the State of Washington. Mr. Harris accepted the order.

On Wednesday, January 25, Mr. Harris called my office to inform me that by order of the Government Printing Office the requested reprints could not be made without the written permission of the several Senators who had participated in the excise-tax debate. I took this to be merely an act of courtesy to the participating Senators, and without objection of any kind, I instructed a member of my staff to secure the required signatures. My agent, Mrs. Walker, prepared the following letter request for the Senators in question to sign:

Senator HARRY P. CAIN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CAIN: I hereby grant my permission to have reprints made for Washington State distribution, of the colloquy appearing in the CONGRESSIONAL RECORD of January 19, 1950, beginning on page 615, the first column, under the heading "Reduction and Repeal of Excise Taxes," and ending on page 622, first column, at the heading "Amendment of the Hatch Act."

Sincerely.

Mrs. Walker processed the letter and secured all the necessary signatures save one. Those who signed the letters were Senator SALTONSTALL, Senator BREWSTER, Senator GEORGE, Senator EDWIN JOHNSON, Senator WILLIAMS, and Senator MILLIKIN. The signature of the majority leader, the Senator from Illinois [Mr. LUCAS], who had been a major participant in the debate, was not secured. Mrs. Walker handed the letter to the administrative assistant of the Senator from Illinois, who presumably conferred with the Senator. She said, in substance, when returning to Mrs. Walker the letter without the Senator's signature, that "It is not the policy of Senator LUCAS to give permission for any colloquy in which he takes part to be reprinted for use by other Senators." She pointed out, however, that the Senator from Washington was at perfect liberty to delete the statements of the Senator from Illi-

nois and then have the colloquy reprinted.

After Mrs. Walker brought the letter back to me with all the required signatures save that of the Senator from Illinois, I thought first of going to the Senator to suggest that he reconsider his position, because I thought I could easily convince him that I had no desire to embarrass him or any other Senator. All I sought to have reprinted was the excise tax debate in whole. On reflection I decided that the problem with which I was confronted had but very little to do with the Senator from Illinois. The fact was that an order, the origin of which I knew nothing about, prevented a Senator from using a portion of the CONGRESSIONAL RECORD, a public document, unless another Senator agreed in writing that he might do so. This appeared to make no valid sense of any kind, and I determined to test the question of whether a Senator had a right to use the CONGRESSIONAL RECORD in any way he might see fit.

I instructed Mrs. Walker to have with others whatever conversations might be required so that she might advise me fully concerning the origin and background of the Government Printing Office order which would prevent a Senator from securing a reprint from the RECORD unless every Senator who was a party to a colloquy gave his written permission.

Mrs. Walker returned to Mr. Harris, the Congressional Record clerk. He stated that the order canceling my order for the reprints came from the Government Printer through an administrative officer, Mr. Herrell. Mr. Harris added that he had known of the written-permission requirement since he became the Record clerk about 9 years ago.

Mrs. Walker then talked with Mr. James W. Broderick, planning manager for the Government Printing Office. Mr. Broderick informed Mrs. Walker that the written signature permission requirement had been laid down as a precedent about 25 years ago. He did not know who had established the precedent, or for what reasons it had been established, but that he had heard of it.

Mrs. Walker then conferred with Mr. Charles L. Watkins, the Senate Parliamentarian. Mr. Watkins knew of no such precedent, and he was positive that the Senate had never established a precedent on the question. At a later date I conferred personally with the Parliamentarian of the House of Representatives, and he likewise said that the House had not established any precedent on the subject of restricting the use of the CONGRESSIONAL RECORD by Members of the Congress.

When Mrs. Walker told me of these several conversations I instructed her to demand of Mr. Harris, the Congressional Record clerk—who, I would say in passing, is a most excellent public servant—that he either accept my order for the reprints, or request the Government Printer to write me a letter in which he would state over his signature why my reprint order was denied. Mr. Harris said that he would tell the Public Printer of my wish that he write to me.

I put these facts down by dates and names because there are so many factors in this particular and unusual question. For the first time we now hear of a new individual involved in the question of whether or not a Senator may have reprints made of a public debate on a public question.

On Thursday, January 19, Mr. James L. Harrison, staff director for the Joint Committee on Printing, called Mrs. Walker to say that the chairman of the joint committee, the Senator from Arizona [Mr. HAYDEN] had instructed him to say to the Senator from Washington that the ruling or precedent should hold, and that all signatures must be obtained before the Printing Office would fill the order. Mr. Harrison suggested that the Senator from Washington was at liberty to have the reprints made by private printers downtown. Mr. Harrison attempted to establish the point that one Senator could not use the facilities of the Government Printing Office to the disadvantage of another Senator.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. CAIN. Certainly.

Mr. MORSE. The junior Senator from Oregon would like to be sure that he follows the Senator from Washington in the address which he is now making. I should like to put this hypothetically to him. Suppose a Senator makes a speech on X subject, that during the course of the speech a Senator rises and asks one question, and the Senator who is making the speech answers the question, and that that is the only interruption during the entire speech. Am I to understand that the Senator who is making the speech cannot have his speech reprinted unless he obtains the consent in writing of the Senator who asked him the one question during the course of the speech?

Mr. CAIN. It seems to be a fact that up until this time the Senator who had made the speech could not have made by the Public Printer a reprint of the speech, which included a question by another Senator, unless the Senator who had asked the question gave his written permission for it to be included in the reprint desired by the Senator who made the speech.

Mr. MORSE. I may say to the Senator from Washington, for whatever value it may be to him, that I feel compelled to confess my own guilt, because on many occasions I have had speeches of mine reprinted which included colloquy with other Senators. I knew of no such rule or precedent, and no one had ever raised any question about my right to have those speeches reprinted. I have had them reprinted in full. I thought that was my right and privilege.

Mr. CAIN. For the reason that the junior Senator from Washington is rather convinced that a good many Senators have not previously known of the so-called precedent to which I have called their attention this afternoon, I thought it proper in the most objective way I could to recite the facts involved in the present case, in a double effort, first, to inform the Senators of what has heretofore been a precedent, and, second, to hope that other Senators would agree with the junior Senator from Washington, that we can give only one construction actually to a public document, which is that it is public, and that what it contains should and ought and must be made available for use by Senators, and Representatives also, as in their judgment they deem fit and proper.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MORSE. If that is the rule, does the Senator from Washington not agree that it is going to affect debate on the floor of the Senate when it comes to the question of yielding to another Senator; because if by yielding a Senator runs the danger of a denial of the privilege of having his speech reprinted, he is going to be inclined, is he not, to proceed and make his speech and not yield to any colleague during the course of his remarks?

Mr. CAIN. My own opinion is that when Senators generally become aware of what up to this time has been a precedent on the subject, and when they have had an opportunity to think about it, they will agree that such a precedent is not in the public interest, and they will want to reach an agreement to do away with the precedent in order, as indicated by the Senator from Oregon, that the debate may be full and illuminating and free as to contributions made by all Senators.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CAIN. I am pleased to yield to the Senator from Arizona.

Mr. HAYDEN. This matter was taken up for consideration in the Joint Committee on Printing on yesterday, and this is in part the situation as I understand it. Along in the twenties sometime, when George Moses was a Senator from New Hampshire, and was chairman of the Joint Committee on Printing, a Senator printed in his speech a portion of the remarks of another Senator, which, had they been printed in full, would have conveyed a different meaning than they conveyed when only a portion were printed. The Senator whose remarks were partially printed brought the matter to the attention of the Joint Committee on Printing. At that time the Public Printer was instructed that if a Senator sent to the Printing Office a speech which contained remarks made by another Senator, the proper thing to do was to inquire of the other Senator if he had any objection to his remarks being printed together with the speech of the Senator who desired to have the reprint made. That has been the rule since that time. There was good sound reason for the rule.

There is also another reason why it is proper that such inquiry be made of Senators whose remarks appear in the speech of a Senator who wants to have his remarks reprinted. Many times the CONGRESSIONAL RECORD, as it appears, contains matter which a Senator did not actually say. It will frequently be noticed that on the floor a Senator will ask to have the RECORD corrected, saying that he made a statement in a certain way, but the reporters took it in another way. The other day a Senator, in speaking during the debate on the

use of Colorado River water mentioned the State of California, but in the RECORD the name "Colorado" appeared.

If one Senator's remarks are to be reprinted in connection with the remarks of another Senator, and at the request of the other Senator, it is entirely proper for the latter to ask, "Have you corrected any errors in your remarks, if any such there be?" If it is proposed that the full colloquy be printed, and a Senator who may have taken part in the colloquy knows that his remarks are correctly recorded, I do not see how anyone can prevent the printing of such a colloquy.

Mr. CAIN. I wish to interrupt the Senator for an obvious reflection. The Senator from Arizona does not know how a Senator could be stopped from having a reprint made of a debate in full, but the junior Senator from Washington, on a temporary basis, was stopped.

Mr. HAYDEN. That may be true, but at the present moment I am sure the Senator from Illinois would not object if the Senator from Washington made inquiry of him if he had any objection.

Mr. CAIN. What I said was obviously without prejudice to the Senator from Illinois, because it goes far beyond the action that was taken by the Senator from Illinois. The Senator from Illinois has already, on reconsideration, thought it proper that I be permitted to have the reprint made. But let us assume that the Senator from Illinois saw fit to maintain a contrary point of view on the basis of the precedent which up until the time we began to examine it had been controlling on this question for 25 years. In that event the junior Senator from Washington and no other Senator could have had the reprint made.

Mr. HAYDEN. Nothing serious has ever developed from the precedent. The Senator will agree that as a matter of courtesy the Senator who desires to have made a reprint of a colloquy in which the remarks of another Senator appear should ask the other Senator if his remarks appear correctly in the daily CONGRESSIONAL RECORD, and if the Senator has any objection to his remarks being reprinted. There would be no trouble about that.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CAIN. Certainly, sir.

Mr. LUCAS. When the matter was brought to my attention for the first time, through my secretary, I paid very little attention to it, since as majority leader of the Senate I have a number of matters to consider. I temporarily forgot all about it until the Senator from Arizona called it to my attention. As I recall, there was a considerable amount of debate upon the measure. As the Senator from Arizona suggested a moment ago, before I gave my consent I wanted to read over what I had said. I wanted to read it again to determine whether everything I had said appeared correctly in the RECORD. I do not believe I ever got around to reading it because of the manifold duties which are thrust upon me from day to day.

Later on the Senator from Arizona said he had read the speech and was convinced it was a very good one, that the colloquy appeared in the RECORD as it occurred, and then I said I had no objection to a reprint being had. I am sure that if the Senator from Washington had asked me about it at the time he made his request for a reprint I would have made no objection, because, after all, granting such a request is a matter of courtesy. I am sorry I caused the Senator from Washington all the trouble he has been obliged to go to. But perhaps it is a good thing that I acted as I did, for I believe it to be fortunate and constructive that the Senator is bringing this matter to the floor.

Let me ask the Senator a question at this point.

Mr. CAIN. Certainly, sir.

Mr. LUCAS. In view of the query propounded by the Senator from Oregon, I wish to present an assumption. Assuming that a Senator propounded three questions during the course of a major speech delivered by the Senator from Oregon, would such Senator, by reason of the fact that he had propounded three not very important questions during a 30-minute speech delivered by the Senator from Oregon have the right to print the entire speech of the Senator from Oregon?

Let us say that during the course of such a speech I asked two questions of the Senator from Oregon, perhaps occupying 2 minutes of time, while the remaining 28 minutes were consumed by the Senator from Oregon. Would I be permitted to have a reprint of the entire speech without obtaining permission from the Senator from Oregon?

Mr. CAIN. I will say, Mr. President, that I am complimented that the majority leader should appear to consider me an authority upon the subject of what can or cannot be done with the CONGRESSIONAL RECORD.

Mr. LUCAS. I am sure the Senator is an authority upon that subject.

Mr. CAIN. I wish to make it very clear to the Senator from Illinois that, so far as I am concerned, the RECORD is a public document, and the Senator from Illinois is entitled, or should be at any time, to have any part or all of it printed, to do with as he likes. What the Senator from Oregon does with reference to reprints which are made of his speech from the RECORD is his concern, and a different question.

Mr. LUCAS. I am sure the Senator from Oregon would not object were I to make a request for a reprint of his speech, whether I conferred with him or not, because his speeches are always superb; therefore, he would consider it quite a compliment if I were to use his speech. The Senator from Oregon has risen, and I believe that is what he is proposing to say. I hope I have anticipated his remarks correctly.

Mr. CAIN. I very much appreciate the comments just made by the Senator from Illinois, because I brought the question to the floor without any motive of animosity toward the majority leader, as I think he knows.

Mr. LUCAS. I appreciate that and thoroughly understand it. The Senator from Washington has gone so far as to say that if the Senator from Illinois desires to print the entire speech of the Senator from Washington, I can do so without conferring with the Senator, and do it on my own responsibility, and it will be perfectly all right with him. Let me say to the Senator that that may be all right, but I certainly would never do so until I had conferred with the Senator from Washington.

Mr. CAIN. I agree with the Senator from Illinois that in such a case as that to which he has referred the Senator from Washington should, as a matter of courtesy, call the Senator from Illinois, or any other Senator whose speech he wishes to print, and say: "I am going to have a reprint made of a speech in which you are a participant. I should like to know if you believe that is proper." On the other hand, if the Senator did not think it was proper, I believe I would have a right to use that material after having given due notice to the Senator, let us say, from Oregon or from Illinois, or any other Senator who might be involved.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. HAYDEN. I merely want to say that there was a reason why the late Senator Moses as chairman of the Joint Committee on Printing had the directive sent to the Public Printer to the following effect: "If you receive copies of a speech wherein several Senators are involved, the proper thing is to inquire whether they have been consulted about printing the speech," because there can be errors in the daily CONGRESSIONAL RECORD. That is reason number one. Moreover if a Senator participating in the debate is consulted, he may say, "I have no objection to having a reprint made, provided you print all of it. But you cannot take anything out of the context and misrepresent me." That was the trouble in the original instance.

Mr. CAIN. I am satisfied that the chairman of the Joint Committee on Printing would not consider to be a valid excuse the fact that all of us, including of course, the Senator from Illinois, are very busy and often may not have an opportunity to determine whether we will give permission to have a debate reprinted. The Senator from Illinois has said that, after reflection after studying and looking at the speech, and after being convinced by the Senator from Arizona that it was a good speech and should be reprinted and distributed throughout the State of Washington, he was delighted to agree to have that done. But, Mr. President, he was delighted at my expense, for 5 weeks of time. Without antagonism or criticism, I merely say I am satisfied we are all about to agree that is not the proper thing to do in this body.

Mr. HAYDEN. Mr. President, it seems to me we shall have to appoint a liaison officer between the Senator from Washington and the Senator from Illinois, so they can properly get together on matters of this kind.

Mr. CAIN. In this instance, I have been my own liaison officer, and I have proceeded to make a constructive suggestion to the Senate.

Mr. HAYDEN. Do I correctly understand that the Senator from Washington

in the beginning personally consulted the Senator from Illinois about this matter?

Mr. CAIN. That is not a fact.

Mr. HAYDEN. That is the way I do business in the Senate. If I have to deal with another Senator, I go to him and straighten out the matter with him.

Mr. CAIN. The Senator from Arizona has his own method of operation, no doubt. I think he would want me to suggest that I followed procedures which are considered to be proper, any way they are dissected. I sent a letter, in the hands of an administrative assistant of mine; I had my administrative assistant call on the Senator from Illinois, not as one Senator, but as one of eight Senators, while the Senator from Washington was busy with a committee. She successfully secured the signatures of the seven other Senators, and found that only the Senator from Illinois was temporarily too busy to give consideration to the matter.

Mr. HAYDEN. That, I think, would have been the proper time for the Senator from Washington to have consulted him.

Mr. CAIN. But had I pursued that course, I suggest that I still would have been faced with a precedent which would have kept any one of 96 Senators from availing himself or herself of a public document, namely, the CONGRESSIONAL RECORD.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I am glad to yield.

Mr. MORSE. Speaking facetiously for a moment—and after that I shall speak seriously—I wish to stay that my good friend, the Senator from Illinois, did not put quite the point I wished to make. My point is that if anyone wanted to spend his own money in obtaining reprints of any of my speeches, I would welcome having that done, provided he would help me out with my own mailing list, by supplying a sufficient number of copies so that I could send them to the persons on my own mailing list, and thus save me some of the heavy expense which I have had to undergo for that purpose since I have been in the Senate.

Speaking seriously now, I wish to say that I think it is well that this point has been raised, because some of us have been in error, so far as concerns the point which has been made by the Senator from Arizona. I plead guilty to having had reprints made of some speeches of mine which contain brief colloquies with other Senators, without first getting the consent of the Senators involved. Now that the Senator from Arizona has raised the point, I think I have been definitely in error in doing so. So I am glad to have this matter cleared up.

I took it for granted that after the CONGRESSIONAL RECORD appeared, and after there had been opportunity for Senators to make corrections in it, if no corrections were made, we were then dealing with an official Government document which was freely available for circulation throughout the United States.

It seems to me that if Senators have reprints made of their speeches which are published in the CONGRESSIONAL RECORD—and I wish to say that I have followed this course very carefully—they should have reprints made of the entire speech, including all colloquy, and not simply have reprints made of excerpts from the speech. The reprinting of excerpts I think would not only be discourteous but would be unethical.

But after there has been opportunity for corrections to be made, if any Senator who is involved in the colloquy wishes to make corrections, I think any Senator should have the right to have the entire speech reprinted, including the colloquy which may have occurred during the course of the remarks.

Mr. President, as I have said, if that is not possible, I think it will have a very definite effect upon the procedure in the Senate so far as debates are concerned, namely, that Senators will state at the beginning of their speeches that, under no circumstances, will they yield to other Senators to permit them to make comments or to ask questions during the course of their remarks, because the speeches they are about to make are ones which they may desire to have reprinted.

Mr. CAIN. Mr. President, I thank the Senator from Oregon for his remarks, because I think the question is rather important.

I wish to say to the Senator from Illinois that I am completely satisfied that he meant no harm of any kind or no loss of time or no rejection of a right or privilege, so far as the junior Senator from Washington is concerned. I simply take that to be a fact. I think what the Senator from Illinois did was done just by a busy man. I bring the matter to the attention of all Members of the Senate not in reference to the Senator from Illinois as such but in order that we may establish the various uses to which the CONGRESSIONAL RECORD may be put, because, as the Senator from Oregon has stated, if every one of the 96 Senators were thoroughly conscious of the ramifications of what has apparently been a precedent in this body and in the Congress for 25 years, many Senators in preparing to deliver speeches in the Senate would commence by saying, "Under no circumstances will I permit any other Senator to ask me a question about anything," because of his fear that, by permitting interruptions, he would lose his right to use for reprints the speech which he himself was about to deliver.

Mr. President, the rest of my statement at this time will take approximately 15 minutes, I believe. It is merely a recognition of fact, at the conclusion of which I think the Senate could establish its own precedent, and would have no trouble in arriving at a reasonable solution of the problem.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MALONE. What is the Senator's conclusion, as of this moment, first, as to whether there has been a precedent—regardless of whoever established it, whether it was established by the Public Printer or by the chairman of the Joint Committee on Printing or by some other well-intentioned person; and if there has been such a precedent, has it been followed without the full knowledge of the Senate; and is it effective?

Mr. CAIN. I can answer all three of those questions: In the first place, there has been a precedent—at least, that seems to be undeniable, so far as I am concerned.

Second. I think most Senators are not aware of the existence of the precedent. The Senator from Oregon has just risen to say that he has broken the precedent several times, simply because he did not know it existed.

Third. The precedent to which we have referred as applying in the past, in my considered judgment at the moment is not only not effective as of the present time, but does not exist as of the present time, for I established the remaining steps to secure the reprint without securing the written permission of the Senator from Illinois. The fundamental point I shall make at the conclusion of this statement is that what has been done by the Senator from Washington likewise can be as readily and as properly done by any other Member of this body.

Therefore, if I have secured a reprint, which I have been told by those referred to as competent authorities that I could not secure, without observing certain restrictions; if that has been done—and it has been done—then we have no precedent on the subject any more; and it is up to the Senate of the United States to do as it likes.

Mr. MALONE. Mr. President, will the Senator yield once more?

Mr. CAIN. Certainly.

Mr. MALONE. Then what it amounts to is that we have been subject to more of a chaperonage over the Senate's ethics than anything else—not a precedent at all, but, rather, somewhat of a sitting of the chairman of the Joint Committee on Printing to determine whether in his judgment at the moment a certain reprint should be made.

Mr. CAIN. In being as fair as I can, I think the precedent was established for what the then chairman of the Joint Committee on Printing thought were valid reasons. That chairman is a gentleman whose name has been lost in history, because I have conferred with such distinguished historians as Mr. Charles Watkins, our Senate Parliamentarian; and when he cannot tell who did something in the Congress in years gone by, we know it must have been done many, many years ago.

Mr. FLANDERS. Mr. President, I should like to pass on a bit of information: The late Senator George Moses, of New Hampshire, goes down in history as the inventor of the phrase "sons of the wild jackass."

Mr. CAIN. I thank the Senator from Vermont.

Mr. President, when I was interrupted—and certainly I was pleased to be interrupted—I was reading, from my prepared remarks, a sentence which I wish to repeat by way of emphasis, because I think it indicates why at the outset the junior Senator from Washington was refused permission for the reprint in question. I shall restate that sentence:

Mr. Harrison, a member of the staff of the Joint Committee on Printing, in his conversation with Mrs. Walker, of my office, attempted to establish the point

that one Senator could not use the facilities of the Government Printing Office to the disadvantage of another Senator. It is beside the point to suggest that Mr. Harrison had not even read the debate or my letter of request. Had he done so, it would have been clear to him that I sought only to reprint in its entirety a debate in which every participant spoke fully for himself. Mr. Harrison concluded his conversation with Mrs. Walker by stating that the Joint Committee on Printing was responsible for the precedent, and that it had ordered the Government Printing Office not to go ahead with my reprints, or with reprints for any other Member of Congress unless participating Members to a colloquy had given their written permission.

As some will agree, these varied conversations were becoming somewhat confusing. My order for reprints had been denied by the Government Printing Office, but apparently the Joint Committee on Printing had established the precedent which resulted in a denial of my request. I next thought it proper to write to the Public Printer, because I had not heard from him following Mr. Harris' request that the printer write to me, and to Mr. Harrison, who had provided Mrs. Walker with so much interesting information. The letters merely stated that I wanted all of the information about the history of the precedent, and that I expected this historical résumé to be submitted in writing over the signatures of the proper authorities. These letters were written on January 31, 1950.

Mrs. Walker delivered the letter to Mr. Harrison by hand. He read the letter in her presence, and then said to her that he would rather not write me a letter because he had told me, through her, what the precedent was, and he did not think it necessary to commit the subject to paper. By then, I was both ready and able to understand his reluctance. During this conversation, Mr. Harrison told Mrs. Walker that he knew that I had written to the Government Printing Office. I wondered how he knew about that simple fact so rapidly, because I had sent the Government Printer the letter by riding page only several hours before. Mr. Harrison suggested that the Senator from Washington ought to familiarize himself with section 4 or title 44 of the United States Code, for this section was the one from which the Joint Committee on Printing had laid down the precedent many years ago.

Following Mrs. Walker's return to the office I talked with Mr. Harrison by telephone. I told him in simple, if blunt, fashion that if he did not wish to answer my letter, he ought to refer it to the chairman of the Joint Committee on Printing. I told him that I wanted someone to say in writing what he had said on several occasions to Mrs. Walker. I merely said, "If you mean what you say, put it down, and sign your name to it." I thought it a simple and fair request.

During this day I talked with Mr. Herrell in the Government Printing Office. I asked him how it came about that my letter to the Government Printer had been discussed with Mr. Harrison. He said that was natural enough, because the Joint Committee on Printing acted as a board of directors for the Government Printing Office and that the latter referred all questions concerning policy to the Joint Committee. I had not known that. When I learned of it, I thought it was a very reasonable position. Mr. Herrell said that so far as he knew the precedent with which I was concerned had been established a quarter of a century ago by the Joint Committee on Printing. He said also that Mr. John J. Deviny, the Public Printer, would respond to my letter.

Mr. President, I ask unanimous consent, partly in an effort to save time this afternoon, that my letters to both Mr. Harrison and Mr. Deviny be made a part of my remarks at this point.

There being no objection, the two letters were ordered to be printed in the RECORD, as follows:

JANUARY 31, 1950.

Mr. JAMES L. HARRISON,
Staff Director,
Joint Committee on Printing,
United States Capitol,
Washington, D. C.

MY DEAR MR. HARRISON: As you know the Senate debated on Wednesday, January 18, a motion that the Senate proceed to the consideration of the bill (H. R. 3905) to amend section 3121 of the Internal Revenue Code. This debate in its entirety will be found in the CONGRESSIONAL RECORD of Thursday, January 19, beginning on page 615 and concluding on page 622. On Wednesday, January 25, my agent, Mrs. Walker, and on my order, requested of Mr. Ralph L. Harris, Congressional Record clerk, that reprints of the debate be made for distribution to interested citizens. Mr. Harris informed Mrs. Walker that reprints of a congressional debate could only be authorized providing that the written permission of all participating Senators had been secured. I then instructed Mrs. Walker to resubmit my reprint order to Mr. Harris or to have Mr. Harris, if the order was refused, request a letter from the Government Printing Office, in which it would state its reasons for refusing the order. Mr. Harris said that he could not accept my order for reprints but that he would willingly request the Government Printing Office letter I desired.

On Thursday, January 26, you discussed the request I submitted to Mr. Harris with Mrs. Walker. You told her of some precedent which you thought had established the authority that written permission from participating Senators must be secured before reprints of debates would be permitted. Why you initiated a call to Mrs. Walker I do not know and I am not aware of any debate reprint policy power your committee has over the Government Printing Office. I am keenly interested in determining what the authority of your committee actually is and why an order for reprints of a public debate has seemingly been refused by your command.

All I seek at the moment is information and I wish to have it in writing over the signature of the proper official. With your help I hope to clear this question up at once. Mrs. Walker will deliver this letter to you in person and she will be guided by your advice as to when I may expect an answer and from whom.

Most sincerely,

HARRY P. CAIN.

JANUARY 31, 1950.

Mr. JOHN J. DEVINY,
Public Printer,
Government Printing Office,
Washington, D. C.

MY DEAR MR. DEVINY: On Wednesday, January 18, 1950, the Senate debated a motion that the Senate proceed to the consideration of the bill (H. R. 3905) to amend section 3121 of the Internal Revenue Code. The full debate on this motion will be found on page 615 through a portion of page 622 in the CONGRESSIONAL RECORD of January 19.

Your subscriber directed a member of his staff to have reprints made of the debate in question. Mrs. Walker, my agent, was informed by Mr. Ralph L. Harris, Congressional Record clerk, on Wednesday, January 25 that by order of the Government Printing Office the reprints could not be made without the written permission of the several Senators who had participated in the debate.

In an effort to determine the reasons for the Government Printing Office order, Mrs. Walker conferred on Wednesday, January 25 with your planning manager, Mr. James W. Broderick. Mr. Broderick stated that a precedent of some 25 years' standing was the primary reason for the order that reprints of congressional debates were not to be authorized unless all participating Senators gave their written permission.

On Thursday, January 26, Mrs. Walker informed Mr. Harris that Senator CAIN desired a letter from the Government Printing Office to cover its reasons for refusing his order for reprints of the debate. Mr. Harris willingly agreed to forward this request. No acknowledgment of the request or any letter has yet been received from the Government Printing Office.

On Thursday, January 26, Mr. James L. Harrison, staff director of the Joint Committee on Printing, informed my agent, Mrs. Walker, by telephone that he had been advised of my submitted request to the Government Printing Office and that he, Mr. Harrison, had been instructed to inform me that written signatures from all participating Senators had to be obtained before an order for reprints of any debate would be authorized.

At the moment I am not concerned with Mr. Harrison of the Joint Committee on Printing. I wish to be advised by you, or by your proper agent, and in writing, of your authority for refusing to fill my order for reprints of a debate which is carried in the CONGRESSIONAL RECORD, a public document. I am anxious to have your letter in the immediate future. My intention is to secure the reprints of a debate which covers a subject of continuing interest to citizens everywhere. I can think of no reason why your position should not be committed to paper over your signature without delay.

Your prompt consideration of a matter which is of considerable importance to me will be sincerely appreciated.

Most cordially,

HARRY P. CAIN.

Mr. CAIN. For the information of Senators and all other Members of the Congress I want to read the section in the code to which Mr. Harrison referred me, and from which he claimed the Joint Committee on Printing had fashioned the so-called precedent I am talking about:

SEC. 4. Remedying neglect or delay in public printing: The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.

What every Member of the Congress will be much more interested in is section 185 of title 44 of the United States Code. It states in unmistakable language:

It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator, Representative, or Delegate extracts from the CONGRESSIONAL RECORD, the person ordering the same paying the cost thereof.

There are no restrictions of any kind, character, or description of this authority, which says extracts shall be made available on order of any Senator, Representative, or Delegate.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MALONE. The junior Senator from Nevada is curious, as a result of hearing this argument on the restriction of the use of the CONGRESSIONAL RECORD, as to whether, if the Joint Committee on Printing so desired, it could also prohibit to the press, for the purposes of quotation, the use of any part of the CONGRESSIONAL RECORD, a public record, it might desire, the request being, in effect, somewhat different from a request for a simple reprinting of the RECORD and the mailing of it to certain citizens, or making it available to all citizens. Could the Joint Committee on Printing, in the judgment of the junior Senator from Washington, carry it a step further by prohibiting the press from quoting the CONGRESSIONAL RECORD, except with the consent of Senators making the RECORD?

Mr. CAIN. I think it is obvious that the Joint Committee on Printing, or any other committee, can do anything it wants to do. What the Senate will do about action committees may take, is again quite another thing. My own conviction is that neither the Senator from Arizona [Mr. HAYDEN] nor the Senator from Illinois [Mr. LUCAS] sought to be unfair in his treatment of the Senator from Washington. It seems to me they have had, somewhere in the back of their minds, a precedent, as to the origin of which they were not very certain, and as to what it covered they were not very clear, but which had been established presumably to maintain, insofar as it is possible, the courtesy of one Senator toward another. Their present-day construction, arrived at in haste, was, "Regardless of what the reasons may be for his resistance, you must secure the written permission of every participating Senator, before you, as a Member of this body, can have a right to a reprint." I am satisfied that the majority leader, the Senator from Illinois, meant what he said a few minutes ago when he offered the observation that the subject had been properly brought to the floor of the Senate, and that it would result in the establishment of a precedent, to become known to all—a precedent which would restrict no legitimate right of any individual Member of the Senate.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MALONE. What I had in mind was, if the use of the CONGRESSIONAL RECORD can be restricted beyond the Senate floor, and if the material in the RECORD can be restricted from the use of any Senator, why cannot the restriction be extended equally to its use by the press or by anyone else?

Mr. CAIN. Again, the answer to the question of the Senator from Nevada it seems to me is very obvious. The Joint Committee on Printing could do as the Senator from Nevada has suggested and the Senate could condone what the committee had done, in such instance. But it is my feeling, and I feel very strongly, that neither the Joint Committee on Printing nor the Senate has any such intention, and that this body only needs to have the matter brought to its attention as factually as possible, for it to establish a different precedent by which we may be guided in the future.

I shall proceed as rapidly as I can, though there are several references yet to come, which I think are rather interesting.

The Public Printer, Mr. Deviny, acknowledged my letter of January 31, under date of February 1. I wish this letter, in full, to be made a part of my statement, so I ask unanimous consent to have it included in the RECORD at this point. I wish to emphasize this paragraph of Mr. Deviny's letter:

As was explained to you yesterday, the purpose of the custom is to assure each individual Member that the remarks he makes on the floor will not be used in any manner other than that in which he intended, and we have received no suggestion from the committee indicating a change in this practice. The policy has been uniformly applied.

In having requested a reprint of a debate in its entirety I could only conclude that every Senator engaging in the debate sought only to oppose or support the motion to which he addressed himself. I had no desire to take any comments out of the context. This means that no participating Senator could possibly be embarrassed by having anyone else read what he said during the debate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 1950.

Hon. HARRY P. CAIN,
United States Senate,
Washington D. C.

MY DEAR SENATOR: I have your letter of January 31, requesting citation of authority for requiring writter permission of the several Senators who participated in debate of H. R. 3905 before honoring your order for reprints of the same.

A search of our files discloses no record of a written authority for this procedure, which has been in effect for 25 years. It is presumed there was at one time a ruling or order of the Joint Committee on Printing which covered the matter.

As was explained to you yesterday, the purpose of the custom is to assure each individual Member that the remarks he makes on the floor will not be used in any manner other than that in which he intended, and we have received no suggestion from the committee indicating a change in this practice. This policy has been uniformly applied.

As the custom was established by the Joint Committee on Printing, and as the Government Printing Office conforms to the policies and directives of the committee with respect to all congressional printing, any change in procedure must have committee approval.

With assurance of high esteem,
Respectfuly,

JOHN J. DEVINY,
Public Printer.

Mr. CAIN. Senators will be interested probably in Mr. Deviny's letter admission that no written authority appears to exist for the policy procedure which is being uniformly applied by the Government Printer.

On February 2, 1950, the chairman of the Joint Committee on Printing, the Senator from Arizona [Mr. HAYDEN], entered the picture for the first time and conferred with me about my problem. He said that the so-called precedent had been established, so far as he knew, to keep one Senator from embarrassing another Senator. He said that there was nothing in writing about the question and that he did not know how long ago it was when the precedent had been laid down by the Joint Committee on Printing. He only knew that it had been a long time ago. When I told the Senator from Arizona that all I wanted was the reprint of a debate in full he readily understood that I sought to embarrass no one. He suggested that perhaps I would like to attend the next meeting to be held by the Joint Committee on Printing for the purpose of discussing the situation. I told him that I would appreciate such an opportunity and that I hoped it would soon be forthcoming because the question of excise taxes was important to people in my State and elsewhere and I wanted them to read the reprints which had thus far been denied to me. Shortly after our conversation I wrote to the Senator from Arizona to acknowledge it and I ask unanimous consent that a copy of this letter be made a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 3, 1950.

Hon. CARL HAYDEN,
Chairman, Joint Committee on Printing, Senate Office Building, Washington, D. C.

DEAR SENATOR HAYDEN: I wish to acknowledge the conversation which we had during Wednesday afternoon of this week.

During our visit you gave me a copy of a letter which the Public Printer had written to Senator KNOWLAND under date of August 13, 1946. This letter advised Senator KNOWLAND that reprints from the CONGRESSIONAL RECORD are permitted only upon getting approval of Senators who interpose statements or questions. The Public Printer said that this position had long been the policy of the Joint Committee on Printing and the Public Printer.

I suggested to you that in my considered view the so-called restrictive precedent does not and could not cover the request I recently made for reprints of a public debate which took place in the Senate on Wednesday, January 18. You very frankly said that you knew little of the precedent referred to and even less concerning where it came from or by whom it was established and agreed to.

You were kind enough to suggest that I attend the next meeting of the Joint Committee on Printing. I want to accept your invitation and I trust that the meeting is to

be held in the near future. I continue to desire to have the requested reprints of the debate and I feel satisfied that I am entitled to have my order filled by the Public Printer. I have no desire to embarrass anyone and I shall discuss the problem with your committee before considering the matter further.

With kind personal regards, I am,

Most cordially,

HARRY P. CAIN.

Mr. CAIN. Mr. President, during my talk with the Senator from Arizona he gave me a copy of a letter which had been written by the Public Printer to the Senator from California [Mr. KNOWLAND] under date of August 13, 1946. It appears that the Senator from California had been refused certain reprints several years ago, and that he had received a letter from the Public Printer, and "that was that." He assumed the Public Printer knew not only what he was talking about but that he had sufficient authority to enforce what he said. I should like to read the letter written to the Senator from California, because it goes back about 2 years, and it will further arouse our curiosity. The salutation is, "My Dear Senator," referring to the Senator from California, and the letter is signed by the Public Printer. It reads as follows:

AUGUST 13, 1946.

Hon. WILLIAM F. KNOWLAND,
United States Senator,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Your letter of July 30, addressed to Mr. Ralph L. Harris, in which you ask to be advised of the particular policy or rule under which reprints from the CONGRESSIONAL RECORD are permitted only upon getting approval of Senators who interpose statements or questions, has been referred to me for consideration.

In reply, I am pleased to advise that, since the CONGRESSIONAL RECORD is a public document, it is not copyrighted, and matter appearing in the RECORD may be reprinted by outside sources without obtaining a clearance from anyone. As to reprints by the Government Printing Office, it has long been the policy of the Joint Committee on Printing and this Office to ask for the approval of the Member whose remarks are to be reprinted before reprinting and distributing the same.

This is purely for the protection of each individual Member—

I should like to say, in parentheses, that I have never known the day in the Senate of the United States when every one of its Members was not thoroughly qualified to protect and take care of himself. But the Public Printer wishes to give us protection as individuals, to which we are not entitled and which most of us do not want.

I read further from the letter:

This is purely for the protection of each individual Member, as it not only protects the Members whose remarks are to be reprinted, but it also protects the Member who would order and distribute the same against charges of abuse of the franking privilege, unauthorized use of Federal funds, and so forth.

The policy has been uniformly applied, and I cannot recall a single instance where a Member, when approached, has refused to give his colleague permission to have his remarks in the RECORD reprinted.

I trust this gives you the information you desire. If I may be of other service to you in this or any other matter, please do not hesitate to call on me.

Respectfully.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. Certainly.

Mr. MALONE. That injects another proposition, namely, whether a Senator is to be the judge of whether he is using his franking privilege properly.

Mr. CAIN. I think I have an answer to that question.

Mr. MALONE. It seems to me it is going rather far afield to inject the question of whether the franking privilege is being properly used.

Mr. CAIN. The Public Printer considers himself and his organization to be an operating unit having no control whatsoever over matters of policy, the best example of which is what I have already used, that I send a letter in writing to the Public Printer and, having reason to confer with the staff director of the Joint Committee on Printing, a little later, I find that the director of that staff is thoroughly aware of everything I wrote in a letter to the Public Printer. I asked him the reason why, and his answer was:

That is very simple. The Joint Committee on Printing is our board of directors. We do not wiggle unless we refer all matters involving trouble to them.

That situation has changed somewhat since 1946, when the Public Printer wrote to a distinguished Member of this body, the junior Senator from California [Mr. KNOWLAND], and in his letter of August 13, 1946, said:

As to reprints by the Government Printing Office, it has long been the policy of the Joint Committee on Printing and this Office to ask for the approval of the Member whose remarks are to be reprinted before reprinting and distributing the same.

He has, in the intervening 3 years, cut out from his letter the phrase "this Office," because of his determination to handle matters of routine and pieces of machinery, but not matters concerning policy.

Mr. President, I would invite the attention of Senators to a paragraph in the Knowland letter in which the Public Printer said that he could not recall a single instance of a Member, when approached, refusing to give his colleagues permission to have his remarks in the RECORD reprinted. If Members gave their written permission without exception, that would be one thing, and no one would have a right to complain, because what we would be doing then would be merely saying to another Member of the Senate, "It is my intention to have reprints made of the colloquy in which you participated." When any Member, however, for reasons of his own, refuses to give such permission, in the case I have presented to the Senate this afternoon, that is quite another thing, a thing to which I have been addressing myself for some time.

Mr. President, on Tuesday, February 7, I happened to be acting as the Presiding Officer of the Senate. Time is marching on. We began on the 18th day of January, and now I refer to the 7th day of February. I am still looking for those reprints. The Senator from Arizona [Mr. HAYDEN], in his capacity of chairman of the Joint Committee on Printing, came to me while I was in the chair to say that he had suggested to the Senator from Illinois [Mr. LUCAS] that I be given permission to order the reprints. I thanked the Senator from Arizona for his efforts on my behalf. I only said I thought it was a reasonable request for him to make of the Senator from Illinois. By this time, quite obviously and naturally I was tremendously interested in what was going to happen before this case came to its logical conclusion. I continued to feel that I was on extremely sound ground in my opinion that the CONGRESSIONAL RECORD is a public document and must be made available to all of us for any reasonable purpose, or perhaps even for an unreasonable purpose which we as individuals and as Members of the Senate of the United States, have in mind.

Two weeks went by. Then, on Monday, February 20, the Senator from Arizona again came to me and told me on the floor of the Senate that the Senator from Illinois had reconsidered, that the Senator from Arizona had advised the Senator from Illinois that what the Senator from Illinois had said had been worth saying and ought to be read by a large public, everywhere. As a result of that conversation, supported and confirmed this afternoon by the distinguished majority leader, he, the Senator from Illinois [Mr. LUCAS], agreed that the junior Senator from Washington might have the reprints for which that Senator first placed an order on Tuesday, January 24.

I again thanked the Senator from Arizona for his interest and concern, and I appreciated the action which the Senator from Illinois took in the matter.

On Friday, February 24, my office received for my signature the order blank for 2,000 reprints of the excise-tax debate which I had submitted a month previously. I instructed the office to return the signed order blank to Mr. Harris, the Congressional Record clerk, and to advise me when the reprints had actually been received. Those reprints were delivered to my office this morning and have already been mailed, or, at least, they are on their way to interested persons in the State of Washington.

I likewise enclosed a covering note, indicating briefly why the debate carries the date of January 18 or 19 and the envelope carries the date of the last day of February. I think that citizens, certainly in my State, and elsewhere, are entitled to know what obstructions there happen to be to progress and to the carrying on of the public business.

Mr. President, I hold in my hand the original letter which Mrs. Walker processed for me to the several Senators who engaged in the excise-tax debate. This letter contains the signatures of all the Senators, except the Senator from Illinois [Mr. LUCAS], who were parties to the colloquy. As I have stated, the Senator from Illinois finally agreed I was

entitled to the reprints, and I have them, but the majority leader has not signed this letter as I had been told he must before I could get the reprints of a public debate.

What the junior Senator from Washington has accomplished—and I want to restate it without prejudice to any individual—in having secured reprints of the excise-tax debate without the written permission of a Senator participating in that debate can be accomplished and done by any other Member of the Senate, or, from my point of view, by any other Member of the Congress of the United States. If there has been, as is the case, a precedent for 25 years, that precedent has been broken and shattered into a thousand pieces, because one Senator in testing this question has been able to get, without the written permission of one of his colleagues, a reprint of a public debate to which, in his considered opinion, he was entitled from the beginning.

What I have accomplished, in having secured reprints of the excise-tax debate without the written permission of a Senator participating in that debate, can be accomplished and done by any other Member of the Senate, or of the House of Representatives. I think that any Member ought to be entitled to have reprints made of any colloquy which takes place in the Congress without being required to secure written permission from anyone. I believe also that if a precedent is to be established concerning the use of the CONGRESSIONAL RECORD it must be established by the Senate or by the House of Representatives, or by both, rather than by a committee of either or both Houses, however well directed and led the respective committees may be.

Mr. President, in all seriousness, I regret that I have consumed precious time this afternoon in an effort to establish a reasonable and logical precedent concerning the CONGRESSIONAL RECORD for the future. Unless the Senate thinks it proper to resolve otherwise, I will take it to be a fact that the CONGRESSIONAL RECORD is a public document, and that any Member of the Senate is entitled to have reprints made from it on his order to the Congressional Record clerk, and without needing the written permission of any other Member of this body.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I am very glad to yield.

Mr. MORSE. I believe the Senator from Washington has performed a very worth-while service to the Senate by raising for discussion the points he has brought out. I should like to ask him a question which I asked myself as I sat here listening to the Senator. What should be the common-sense rule for handling the problem? I ask that question because I agree with the distinguished majority leader and the Senatory from Arizona, if I correctly understood their remarks, that adequate opportunity should be given to a Senator to correct errors in any statement which he may make on the floor of the Senate. Therefore, I ask the Senator from Washington if he believes it might be merely ordinary common sense for us to adopt a rule to the effect that any debate on the floor of the Senate should be subject to reprint on the order of any Senator who wishes to have it reprinted, provided notification of the intention to do so is given by him to other Senators involved in any colloquy occurring during the course of the debate, and that after, say, 48 hours or, possibly, 72 hours, have elapsed, giving opportunity to make corrections in the RECORD, a Senator shall be free to proceed to order reprints? Would that not be the common-sense solution of the problem?

If we wish to correct the RECORD, the place to correct it is on the floor of the Senate, by asking permission to make a correction. I believe the practice which has grown up is to make corrections in the office of the official reporters. I do not believe that is a good practice. I believe the corrections ought to be made in open court, as we say in the legal profession. If there is an error in the RECORD, it ought to be corrected on the floor of the Senate. I believe that after notification to a colleague that a Senator intends to reprint a debate, so long as it is a Senator's intention to reprint the full debate, and not to take remarks out of context, I believe a Senator should be free to have the reprint made after a lapse of 48 hours or 72 hours. It would seem to me that that is all the time a Senator would need to make any official correction he was entitled to make.

I agree with the Senator from Washington that the problem should be solved by a rule of the Senate, and not by any committee of the Senate, because I think we are dealing with the rather important right of a Senator to reprint portions of the official RECORD of the Senate.

Mr. CAIN. To my mind, what the Senator from Oregon has just stated deserves to be read and pondered by all Senators. Fortunately, to my way of thinking, we are not faced with very much of a problem. I hold at least a large majority of my colleagues in very high regard. I consider them to be distinguished gentlemen. A gentleman, among other virtues, possesses courtesy, and the intention to exchange fair play with his colleagues.

I know of very few Senators—and I would rather say I know of not a single Senator—who premeditatedly, through the use of the RECORD, would try to embarrass a colleague by taking comments out of context. Therefore, it seems to me that what we need in the Senate is the approval of a resolution, or the adoption of a rule, which would act as a reminder to each Senator, that before he uses the words of another Senator he ought to lean backward in order to be certain that the other Senator has had a chance to make any corrections he wishes to make in the RECORD. Beyond that no Senator has a right to object to any other American's reading what he said on the floor of the Senate, and what he meant when he said it.

I should like to join with the Senator from Oregon [Mr. MORSE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Connecticut [Mr. MCMAHON], and the Senator from Nevada [Mr. MALONE], who are on the floor at the moment, devising a rule not for any enforcement procedures but to remind us, as we need to be reminded occasionally, that every Senator has certain rights, and that what we seek to establish is the fact that the public document we call the CONGRESSIONAL RECORD, to which we address ourselves almost every day in the year, belongs not to us alone, once we have said something, but to our colleagues and to the American Nation to use as it will.

Mr. MALONE. Mr. President——

Mr. CAIN. Mr. President, I shall gladly yield, but I ask the Senator from Nevada to permit me to conclude with the last paragraph of my statement, because what I say is with particular friendliness to the Senator from Arizona [Mr. HAYDEN] and the Senator from Illinois [Mr. LUCAS], with whom I have exchanged remarks this afternoon.

I certainly do not begrudge the time I have employed as an individual Senator in securing reprints during the past month of the excise-tax debate. In the future all Senators ought to have their orders for reprints filled without hesitation, or delay, or argument. They are entitled to the service. I am not annoyed by the time it took for the Senator from Illinois to change his mind. I am not unhappy over the unwillingness of given individuals to express themselves in writing during the last month. I can understand how difficult it was for them to talk about something concerning which they knew so little. These obstructions and obstacles had to be met in order that a free use of a public document, the CONGRESSIONAL RECORD, might be enjoyed by every Senator and, I hope, every Member of the House of Representatives. I think the time has been well spent, and I am cheerfully satisfied with the result.

Mr. MALONE. Mr. President, will the Senator now yield?

Mr. CAIN. Certainly.

Mr. MALONE. It seems to me that the junior Senator from Washington has done the Senate of the United States a service this afternoon. There certainly should be no restraint on the use of a public document, regardless of whether it is the CONGRESSIONAL RECORD or some other public document. It seems to me that the Public Printer and others who have established the precedent which has been discussed, at least have given their reasons with mixed feelings, saying that it might embarrass a Senator, but none of them gave the reason which we consider important, that the Senators participating might not have had opportunity to correct their remarks. I did not catch that reason as being among the ones given.

Mr. CAIN. No; they have never, in fact, given that reason. The statement they have made is that unless there is written permission, which in itself has nothing to do with a Senator's opportunity to correct his remarks, another Senator shall not be authorized to use what is said in a colloquy.

Mr. MALONE. Then, the statement of the distinguished junior Senator from Oregon and the distinguished junior Senator from Washington give now, which is a very reasonable one and should be taken for granted, is grounded on the kind of men who are supposed to be Members of this body, and the assumption that they would give such permission in any case, without any rule. If a large amount of debate is to be reprinted, it would be only the courteous thing to say to one of the participants in the debate, "Have you made your corrections for the permanent RECORD?"

Mr. CAIN. I believe we are in complete agreement. The rule would be only a reminder.

Mr. MALONE. The two reasons which the Senators gave for the rule would, in the judgment of the junior Senator from Nevada, have no weight whatever, because the question whether a Senator would abuse the franking privilege is something entirely apart from the use of language in the CONGRESSIONAL RECORD. That is something of which we are the sole judges at the moment, and if we do abuse the franking privilege, there is another remedy entirely apart from the Public Printer.

The second point is, if the junior Senator from Washington will permit me——

Mr. CAIN. I am glad to yield.

Mr. MALONE. The second point is the fact that those in authority would not use the printing machinery of the Government for making public something which some other Senator had said, without his permission, and that is another thing far removed, because the rate for printing accorded a Senator is, like the franking privilege, a matter entirely separate from the question whether or not the language in the RECORD is to be used. In other words, it seems that over the past 25 years probably the objectives and the reasons given have been confused.

I should like to say another thing. The value of a reprint often depends on the time element. In other words, something is said today that may be important to the constituents of the senior Senator from Oregon, or the junior Senator from Washington, or the junior Senator from Nevada, but after a week or two it may have no value whatever.

Mr. CAIN. Fortunately, I should add, with reference to the excise tax question, people throughout the country continue to be as much interested in it as they were on January 19, when the subject was debated. That happens to be a fortunate circumstance. I had to wait a month to bring the people up to date. That, however, is not important.

In concluding my part of the colloquy this afternoon I should like to say that I have had a real sympathy for both the Public Printer and the Joint Committee on Printing, and that sympathy has arisen from the fact that there was nothing in front of them. They did not actually know what the rule was or what the precedent was. In their anxiety to observe a precedent with the nature of which they were not familiar, they became literalists. Well, it is impossible to be a literalist respecting an uncertainty. That is all there was to the matter in the first place. As the Senator from Illinois was among the first to say, in having had this matter drawn to his attention, I think we ought to do something about it. The precedent has already been broken, so our chief concern is to agree, for example, with the acting minority leader, the Senator from Oregon [Mr. MORSE] and the acting majority leader, the Senator from Pennsylvania [Mr. MYERS], as to what sort of a rule would best serve the purpose of the Senate, on the assumption that none of us want unfairly to take advantage of any single one of our colleagues.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MORSE. I agree with the Senator from Nevada that a rule should not be needed, but I wonder, however, if we are not exactly in the same position we were in before the case of the Senator from Washington arose. Let us suppose this hypothetical. Suppose that the Senator should proceed tomorrow to ask the Public Printer to reprint another speech in which there occurred a colloquy with another Senator. In that event does not the Senator from Nevada think the Senator from Washington would obtain the same decision from the Public Printer, namely, that the Senator from Washington would have to secure for him a letter from the Senator who took part in the colloquy, before the matter would be reprinted? Then there would occur another interval of time before the Senator from Washington could obtain the reprint he requested. Although the Senator from Washington has broken the precedent in this particular case, unless I miss my guess he is going to obtain the same sort of response from the Public Printer in the future that he received in the instance which is being discussed this afternoon.

Mr. CAIN. I would not be guilty of differing with my friend the Senator from Oregon, but I feel that is not so, because the way in which the problem has been presented to reasonable men has, I think, convinced them that the so-called precedent was never established in the first place; that it could not have been established for the purpose of keeping any Senator from securing reprints of any argument, particularly in its entirety. The reason why the junior Senator from Washington finally obtained the reprints he desired was that both the Senator from Illinois [Mr. LUCAS], who was a participant in the debate, agreed with the Senator from Arizona [Mr. HAYDEN], and, by indirection with me, that it was not even proper or necessary for him to give his written permission to do something which in the first place was my right as a Senator. Then the distinguished chairman of the Joint Committee on Printing apparently either picked up the telephone or went to see the Public Printer, and said, "The Senator is entitled to his 2,000 reprints with or without any other Senator's written permission."

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. Certainly, sir.

Mr. MALONE. The interest of the junior Senator from Nevada in this matter is not entirely academic, because he has received word from the Public Printer on two or three occasions that apparently he himself has gained the necessary consent. The junior Senator from Nevada has never written any Senator, but has never had any trouble about reprints. However, I can see that I might have such trouble.

Mr. CAIN. Will my friend from Nevada permit me to suggest that, being a reasonably selfish man, I brought from that selfish point of view my own individual trouble and problem onto the floor of the Senate in high hope, not that every other Senator would be interested in my particular problem, but that he could so readily see once it had been advanced to him that similar trouble might also involve him, and that, therefore, the sooner we come to grips with the situation and improve it, the better.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. CAIN. Certainly I yield.

Mr. MALONE. It seems to the junior Senator from Nevada that no rule is needed. We still have on the floor of the Senate the rule of courtesy to our fellow Members. The precedent has been broken. The subject has been thoroughly debated and the fact thoroughly established that there is in reality no precedent. Therefore, why do we now need any rule?

Mr. CAIN. The answer to the Senator's question is that there is no longer a need for a rule because the precedent has been broken. But the Senate of the United States on reflection might want a rule, as encouraging a more considered and courteous treatment of our colleagues.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MORSE. I respectfully suggest to both my friends from Washington and Nevada that the test of their position is going to be made when the hypothetical is raised; when the Senator from Washington, for example, seeks to reprint a speech he made on the floor of the Senate, including a colloquy with another Senator, and the other Senator objects. Then what does the Senator think is going to be the decision of the Public Printer? I believe it is necessary to have a rule such as the one I suggested, that a Senator shall be given the privilege of making corrections within 48 or 72 hours after the request has been made, and if he does not make the corrections, or if there are no corrections to be made, then automatically, after that period has elapsed, the Senator from Washington will be free to proceed and have the reprints made at the Government Printing Office.

Mr. CAIN. I should like to suggest that there are two promising factors present this afternoon. The first, and a highly practical one, is that I have been told, though the Senator from Arizona [Mr. HAYDEN] has not said so to me personally, that the Joint Committee on Printing, having given this matter some considered thought, recognizing the merits of the case of the junior Senator from

Washington, are about to agree, if in fact they have not already agreed, to commit to writing a rule which contains the provision that any Senator desiring an argument in its entirety need ask permission of no one else. My thought, after listening to the Senator from Oregon, whose legal points of view I deeply respect, is that we ought to determine soon what action has actually been taken by the Joint Committee on Printing. It ought to come before us for a little discussion, for improvement by way of change or amendment, if that is required, or to be agreed to. Then we shall have finally closed this chapter to the satisfaction of everyone.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CAIN. I yield.

Mr. MORSE. What the Senator now says is the case so far as the Joint Committee on Printing is concerned. I think that will solve the problem. But there was nothing in the remarks of the Senator from Arizona made this afternoon to indicate that the committee had reached the conclusion the Senator from Washington now says they have reached. To the contrary, the Senator from Arizona left me with the impression that the Joint Committee on Printing was standing by the advice it had given the Senator from Washington in the first instance, namely, that consent of the other Senator or other Senators concerned was necessary.

Mr. CAIN. That is why I thought it proper to call my understanding to the attention of the Senator from Oregon.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CAIN. I am pleased to yield.

Mr. MALONE. The junior Senator from Nevada only wishes to add that, according to the well-documented evidence presented by the junior Senator from Washington this afternoon, it is not up to the Joint Committee on Printing to determine anything about this business——

Mr. CAIN. I think that is well established.

Mr. MALONE. Unless they change the rule with respect to the right of a Senator to order reprints at all. In other words, if the Senate sees fit to prevent any Senator from ordering reprints from the Government Printing Office, or modifying the procedure which now exists, that would be one thing. But how can the Joint Committee on Printing or the Public Printer change the law without some measure being passed by Congress? So far as meeting with opposition is concerned, I am of the opinion that the Senator will meet with no further opposition. If he does, the Senator can bring the question to the floor, and it would not be very long before some different arrangement would be made.

Mr. CAIN. It seems quite clear and logical to me that the interest Senators have shown in the problem this afternoon will in a reasonable way be shared by other Senators. Therefore, having provoked the interest in a problem that concerns ourselves, I take it to be a good solid fact that we shall have reached a satisfactory solution very soon.

NOTICE OF ADDRESS BY SENATOR McMAHON ON THE SUBJECT OF PEACE

Mr. McMAHON. Mr. President, I give notice that I shall address the Senate tomorrow, as soon as I can be recognized, on the subject of peace, and what policy we should now pursue in securing it. I do not now ask unanimous consent to be recognized tomorrow, because I do not believe that practice to be a good one. But I give notice that I shall seek recognition as soon after the Senate convenes tomorrow as is possible.

DAVID DEMAREST LLOYD

Mr. HUMPHREY. Mr. President, I have recently noticed reports in the press concerning David D. Lloyd, employed at the White House on the President's staff. Mr. Lloyd is an associate and an assistant to Mr. Murphy, who recently took the place of Mr. Clifford on the White House staff. Without trying to burden the Senate with too long a discussion of the subject at this moment, I do, however, want to cite a few facts concerning Mr. Lloyd and what I consider to be some of the dangers which are involved in the hit-and-miss policy of accusation, character assassination, and attack upon some of the people in our Government. I am not in a position to know whether or not the charges that have been brought to the attention of the people of the United States, and particularly to the attention of the Senate, by the junior Senator from Wisconsin [Mr. McCARTHY], are capable of being substantiated.

I am not here either to protest or to affirm the accusations which have been made in reference to the other cases, which I believe have been substantially whittled down from the number stated in the original accusation.

It so happens that Mr. Lloyd, out of his respect for the President of the United States and for the Government of the United States, stated that he was "case number nine," that case number having been brought to the attention of the Senate by the Senator from Wisconsin. It also happens that Mr. Lloyd, in revealing that he was case number nine, revealed the facts which pertain to his case. I think it is important that those facts be known by those of us who are on the floor of the Senate, and also be incorporated in the RECORD.

The case of Mr. Lloyd is one that is characteristic of what I call promiscuous hunting without facts and without adequate evidence. Mr. Lloyd's case was first brought to the attention of a House committee in 1947. Subsequently, Mr. President, the now Deputy Under Secretary of the State Department, Mr. Peurifoy, sent a personal apology to Mr. Lloyd. The substance of that personal apology was reported by Mr. Peter Edson, in his column of February 22, in which he said that Mr. Peurifoy, now Deputy Under Secretary of State in charge of Administration and Security, included in his apology an admission that there were no questions of security or of security risk in connection with Mr. Lloyd's case; likewise, Mr. Peurifoy included an explanation that Mr. Lloyd's file should not have been sent to the House Appropriations Committee. His file was not classified as a security risk.

In other words, Mr. President, here is a young man, a man in his thirties, who is married, who is a good citizen, who has a family, who is a member of the Episcopal Church, who comes from a good family, whose mother and father are fine people; and yet this young man is suffering today by reason of an attack upon his character and his loyalty. I would think myself remiss as a friend of his, as one who has been associated with him in political work, at least during the time when I was active as one of the vice chairmen of the Americans For Democratic Action, if I did not rise at this time to say that Mr. Lloyd's loyalty should be beyond question and is beyond question. He is an avowed anti-Communist. He is a pro-democrat with a small "d", and, also, I trust, with a big "D." I believe him to be a good Christian. I believe him to be a good parent. I believe him to be a loyal Government servant.

Mr. President, so there can be no doubt as to my personal position on the matter of loyalty, I wish to quote the remarks of the distinguished junior Senator from New York, a former Governor of New York, the Honorable HERBERT LEHMAN, who now is presiding over the Senate. His remarks express my feeling and my thoughts on the subject of loyalty. I quote now from an address delivered by the junior Senator from New York:

> Certainly the Government has a right to expect and demand that persons holding what are defined as sensitive positions be fully loyal to the Government, to its philosophy and its principles. Any person holding views inconsistent with our present form of Government, our own philosophy of Government, seems to me to be obviously disqualified for any position with access to policy information or confidential restricted information. This would certainly apply to Communists or fellow travelers, but it also should apply with equal strength to Fascists and to believers in racial superiority and other equally un-American concepts. I think that anti-Negroism, anti-Semitism, anti-Catholicism and anti-Protestantism should be as positive grounds for disqualifying individuals for sensitive Federal Government positions as membership in the Communist Party.

Mr. President, I concur in that philosophy. I think Senator LEHMAN has presented a masterful statement on the question of loyalty. Senator LEHMAN has proven himself to be a devoted public servant and a devoted Democrat, in the best meaning of the word.

Mr. President, I ask that at the conclusion of my remarks there be printed in the RECORD an article by Edward T. Folliard, Post reporter, which appears in today's Washington Post. The article is entitled "McCARTHY's Case 9 Just 1947 Probe Slip." I wish to have the article incorporated in the body of the RECORD, as part of my remarks, as further demonstration of the loyalty of Mr. Lloyd and also of the background material which pertains to this particular case.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McCARTHY'S CASE 9 JUST 1947 PROBE SLIP

(By Edward T. Folliard)

David Demarest Lloyd, who works for the White House, was glad yesterday that the whole story was out, and that there was no longer any mystery about Case No. 9.

He felt that his own experience might possibly show the danger of having Government departments turn over secret loyalty files to Congress.

Senator McCARTHY (Republican, Wisconsin) didn't mention Lloyd by name, but he had him in mind last week when he charged that Communist Party workers were employed by the State Department, and that a speech writer in the White House had failed to get clearance from a loyalty board when he sought a job in the Department in 1946.

CHARGES DAILY WORKER LINK

Senator McCARTHY said that Case No. 9 (Lloyd) and his wife were members of Communist-front organizations. He said that a relative * * * has a financial interest in the Daily Worker. After charging that No. 9 was not given clearance by the State Department, the Wisconsin lawmaker said he got a job in the office of the Secretary of Defense.

"And where do Senators think that man is today?" McCARTHY asked. "He is now a speech writer in the White House. That is Case No. 9."

Lloyd had no doubt that McCARTHY meant him when he read the speech. After consulting White House Press Secretary Charles G. Ross, he told his story, first, to Peter Edson of the Newspaper Enterprise Association, who had sought an interview. Yesterday he talked to other reporters.

This is his story.

He was born in New York City 38 years ago. He is married to the former Charlotte Tuttle, daughter of Charles Tuttle, a Republican, who was appointed United States attorney for the southern district of New York by former President Hoover. He and Mrs. Lloyd have two children, live at 2501 Ridge Road Drive, Alexandria, Va., and attend the Emmanuel Church on the Hill (Episcopal).

Lloyd's parents were Democrats, but many of his relatives are Republicans. The relative mentioned by McCARTHY as one with a financial interest in the Daily Worker was a well-to-do great-aunt, Mrs. Caroline Lloyd Strobell.

AUNT BECAME COMMUNIST

A one-time Socialist, Mrs. Strobell became an avowed member of the Communist Party. Louis F. Budenz, who resigned as managing editor of the Daily Worker in 1945 and returned to the Catholic Church, told about her in his book This Is My Story.

Mrs. Strobell, according to Budenz, was one of three women who became owners of the Daily Worker after it was ostensibly divorced from the Communist Party. Of these three women, Budenz said: "They were classical examples of nice people who were used to conceal undercover skulduggery against the Nation—a conspiracy of which they were totally unaware."

Mrs. Strobell died in 1941, and Lloyd recalls that the family used to say that Stalin killed her. He has reference to the shock she got when Stalin entered into a friendship pact with Hitler.

Lloyd was graduated from Harvard in 1931 and Harvard law school in 1935. An admirer of the Roosevelt New Deal, he entered Government service through the Resettlement Administration of the Department of Agriculture.

About this time, he joined the Washington Cooperative Bookshop, which offered books at a discount. He got out when he discovered it was a Communist-front outfit. He also joined the National Lawyers Guild, along with Robert Jackson, later to be a Supreme Court Justice, and other New Deal lawyers. He quit this, too, when he decided it was too far to the left.

HORRIFIED BY SPEECH

In 1945, Lloyd went to Europe with the Harriman economic mission. Over there, he says, it became clear to him that communism was trying to block European recovery. On his way back in 1946, aboard the steamship *Washington*, he read in the ship's news an account of Henry Wallace's famous speech in Madison Square Garden, a be-nice-to-Russia speech which cost Wallace his job in the Truman Cabinet. Lloyd says he was horrified by the speech.

Back in Washington, Lloyd talked with other New Dealers who felt the time had come to draw a line between themselves and the Wallaceites.

Out of this sentiment came Americans for Democratic Action. Lloyd helped draft its constitution, which has a plank forbidding membership to Communists.

About this time Lloyd applied for a job in the State Department. While his application was pending he took a job with Americans for Democratic Action, serving as director of its research and legislation division.

In 1947 Representative KARL STEFAN (Republican, Nebraska) asked the State Department for an abstract of its files on employees and applicants for jobs, which were being studied by the House Appropriations Committee. Lloyd's file was sent to STEFAN. It became part of the published hearings of the committee in 1948.

RECOGNIZED CASE

Lloyd recognized his case in the published report and protested to the State Department and to STEFAN. John Peurifoy, now Deputy Under Secretary of State in charge of administration and security, apologized. He told Lloyd that there was no question of his loyalty and said his file should never have been sent to Capitol Hill.

Representative STEFAN assured Lloyd that his statement of protest would be filed with his record. Lloyd thought that was the end of it and continued to think so until Senator McCARTHY, 2 years later, picked up the old Stefan file and publicized it as Case No. 9.

In that 2-year interval Lloyd had quit his job with Americans for Democratic Action to do research work for the Democratic National Committee. This was in the summer of 1948. As the campaign progressed he began working with Charles Murphy, then a White House administrative assistant, who was sending speech material to the Truman campaign special.

After President Truman's victory at the polls Murphy asked Lloyd to join the White House staff. Lloyd was investigated by the FBI for a month or so, was cleared, and began working for the White House in December 1948. For budgetary reasons he was placed on the pay roll of the Department of Defense.

ASSISTANT TO MURPHY

He is now a $10,305-a-year assistant to Murphy, who recently succeeded Clark Clifford as special counsel to the President. Like several other White House employees, he works on speeches, but his principal job is in the legislative field.

In talking about case No. 9 last week, Senator McCARTHY said he felt he was doing President Truman a favor by exposing his speech writer.

"I do not think he knows it," McCARTHY said. "I do not think he would have this individual there writing speeches for him if he knew it."

The story at the White House is that Mr. Truman knows all about Lloyd. Last fall he invited him to Key West, where Lloyd turned out some pretty good water colors.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator from Minnesota agree with the junior Senator from Oregon that this particular case is a very good illustration of the importance of giving to the individuals concerned in the attacks upon their loyalty to the Government, full opportunity to be heard in a public hearing before the subcommittee which has been appointed to investigate the charges?

Mr. HUMPHREY. I certainly do.

Mr. MORSE. And that such a hearing would give to Mr. Lloyd the opportunity, to which I think he certainly is entitled if the facts are as I believe them to be—namely, that he is a very loyal person—to make his case, through the medium of that committee, before the American people?

Mr. HUMPHREY. I certainly concur in the views just expressed by the Senator from Oregon.

Mr. President, these procedural rights should be guaranteed to every American citizen.

I also wish to state for the RECORD that the loyalty of the Government employees is outstanding. When a group of employees that is investigated by loyalty boards, under careful scrutiny and observation, is found to have a record of 99.6 percent loyalty, certainly that is a very good record. I do not wish to be facetious; but, Ivory soap has been sold for years as being 99.44 percent pure, and as being as pure as any soap on the market. So I say that a group of employees with a record of 99.6 percent purity certainly is an outstanding record of loyalty.

Mr. President, it seems to me we must be extremely careful as to any charges against our fellow citizens. We should be extremely careful about making charges concerning those who are employed in either the administrative or the legislative branches of Government. Today many a Government worker feels that he has been severely injured, in terms of his over-all reputation, by the constant charges made by many persons in the Government service. Government workers have been abused, all too often, by unwarranted insinuations as to their loyalty, their efficiency, and their integrity.

Frankly, Mr. President, I submit to the Senate that, man for man, woman for woman, employee by employee, in terms of loyalty, the record of the public servants, the persons who work for the United States Government, is as good or better than the record of those who work in private industry. In fact, those who work for our Government have again and again demonstrated their loyalty.

Lest there be any misinterpretation of my remarks, let me say that if a man is a Communist, he should be dismissed, if a man is a Fascist, he should be dismissed, for such a man does not believe in our philosophy of government. I believe in the exposure of people who are proven to be Communists and in the prosecution of those who actively advocate acts of violence to overthrow the Government of the United States.

But, Mr. President, just as I believe strongly in that position, I likewise believe in the procedural rights of every American citizen, no matter what his political faith; and I also believe in the right of every man to be considered innocent until he is proven guilty—the old Anglo-Saxon principle of law. It appears to me that too often we assume the guilt of persons until they can prove themselves innocent.

Mr. President, as one who likes to feel that the most precious possession a person has is his good name and his character, I say there is a solemn obligation upon every Member of the Congress and upon everyone else in our Government to be extremely careful about the charges they may level against any of their associates in the Government service, or against persons anywhere else, as to their political affiliations or as to any other aspects of their character. A man who steals another's good name, has stolen the most priceless possession he has.

In this instance I think a gentleman by the name of Mr. David Lloyd has been seriously injured. He has been made the subject of irresponsible charges. He has had his loyalty checked and cleared by the FBI, the State Department, and the Loyalty Board. I submit there is no Member of the Senate or no Member of the House of Representatives who can judge the loyalty of an employee of the Government as well as can the Federal Bureau of Investigation, the Loyalty Boards, or those who are intimately associated with the person in question.

DECISION OF HONG KONG SUPREME COURT AWARDING CERTAIN CHINESE AIR LINES TO THE CHINESE REDS

Mr. MORSE. Mr. President, I have been somewhat concerned about a decision which was rendered by the Hong Kong Supreme Court awarding two Chinese Nationalist air lines to the Chinese Reds. I am not in position to pass judgment on the legal soundness of the decision; but I wish to comment briefly on some of the implications and aftereffects of the decision, after I request unanimous consent to have printed in the body of the RECORD, as a part of my remarks, certain clippings dealing with that decision of the Hong Kong court from the Washington News for February 27 and February 28, and from the New York Herald Tribune for February 28.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of February 27, 1950]

CHINESE REDS HUNT FOR UNITED STATES PILOTS TO RUN $100,000,000 GIFT AIR LINE

(By Clyde Farnsworth)

HONG KONG, February 27.—Having acquired a ready-made air transport system, largely founded on the wartime bounty of American taxpayers, Red China is now shopping around for American know-how to help handle its $100,000,000 prize.

That is what it would have cost the Chinese Communists, by authoritative estimate, to amass the aviation assets to which they have now fallen heir—through bashfulness of the State Department and the good offices of the British in reallocating other people's property.

A reliable official source, who disapproves of last week's decision of the Hong Kong Supreme Court conferring two former Nationalist air lines on the Chinese Reds, said he believed Communist talent scouts were trying here, in Bangkok, Rangoon, and possibly the United States to hire American air technicians.

He supposed that British concerns in Hong Kong were preparing to handle Communist requirements for spare parts and fuel; and he wondered how this would fit into the proposed $35,000,000 American ECA appropriation to Britain for aircraft parts.

So far as he knew, Red agents thus far failed to sign any American pilots for the 71 planes Peiping won in the Hong Kong court. But he knew of three American technicians, "and possibly three besides," who had agreed to work for the Reds. He understood the Communists were offering attractive salaries in foreign currencies.

Apart from normal commercial airlifts in China proper, the Communists probably expect to use the transport fleet for an airborne invasion of Formosa.

Indicating the intensive Communist planning, instructions were reported to have been sent here, 3 weeks before the supreme court decided the air-lines case, as to crating and shipping of spare parts and other equipment which the air lines' turncoat employees were guarding.

There seems to have been no doubt among the Chinese Communists how the supreme court decision would rule on the efforts of Maj. Gen. Claire Chennault and Whiting Willauer, interim purchasers of the air lines' assets, to have a receiver appointed pending a full-dress court trial for determination of title.

What the supreme court actually did was to rule that as of January 6, when Britain recognized the Peiping regime, agents of that government, actually the turncoat employees of the air lines, were in physical possession of the assets and the Red Government and the air-lines assets therefore enjoyed sovereign immunity.

To Chief Justice Sir Leslie Bertram Gibson it mattered not how the Reds came to be in possession of the planes. Nor did it matter much that at the time of the air-line employees' desertion on November 10 and until January 6, the Chinese Nationalist Government was recognized by Britain. And during that time the assets had been sold and the planes registered under the United States Civil Aeronautics Authority.

[From the Washington Daily News of February 28, 1950]

PROTEST OVER PLANES LACKS REAL PUNCH

(By Clyde Farnsworth)

HONG KONG, February 28.—Whatever Secretary of State Dean Acheson may have said about the vigor of American conservations with the British over their gift of 71 American-registered transport planes and other aviation assets to the Chinese Reds, the State Department has been pulling its punches.

The State Department has been using strong language but not strong enough to make the British back up on a deal that was cooking for 3 months as part of Britain's recognition of Red China.

United States Consul General Karl Rankin has been going as far as his instructions permit in voicing official American disapproval. But he said today there had been no actual protest over last week's ruling of the Hong Kong Supreme Court.

Representatives to Hong Kong haven't been elevated to the plane of formal notes. An official said the State Department had gone no further than to say that if a fair trial was not granted by the British to determine title to the air lines' assets, the United States would view that shortcoming as an unfriendly act.

[From the New York Herald Tribune of February 28, 1950]

HONG KONG RULING TO STAND

LONDON, February 27.—The British Government cannot and will not interfere with a Hong Kong Supreme Court decision handing over 90 Chinese air-line planes to the Communist government of China, a Foreign Office spokesman said today.

He confirmed that representations against the ruling have been made to Great Britain by the United States, which contends the planes passed into the hands of an American company through purchase. But, he added, the court ruling in the British colony is something over which the British Government has no control.

Mr. MORSE. Mr. President, in regard to this problem my concern is over the point raised in one of the articles, which was written by a very able writer, Mr. Clyde Farnsworth, in which he points out the possibility that the Chinese Communist government will now seek to obtain parts for these airplanes from Great Britain, with the use of an earmarked sum of money, under the jurisdiction of ECA for the purchase of airplane parts from the United States of America by the British Government.

If Mr. Farnsworth is correct in his analysis I think the implications are very serious; that is, I think it is a serious matter for the American taxpayers to be supplying funds to ECA for the benefit supposedly of Great Britain, and then for a part of those funds to be used for the payment of airplane parts in America, to be transferred by Great Britain to the Chinese Communists in China.

I am so much concerned about the matter of dealing with Communist governments that I have inserted this material in the RECORD, only in the hope that at least it will cause someone in the State Department to take a "look-see," so to speak, to determine whether there is a basis for the conclusions which Mr. Farnsworth has reached in his very excellent article.

If it be true that, as a result of the decision of the Hong Kong court, Great Britain will proceed to buy in the United States airplane parts with ECA funds, and then make those parts available to the Communist government of China, for this huge air force—which would have cost some $100,000,000, as Mr. Farnsworth in his article says, if they had had to go out and buy them—in order to put the air force into mechanical shape for the use of the Communist armies of China, then we, the Congress of the United States, had better go into the matter when we have the ECA requests before us.

I make this statement as one with a record of support for the ECA program, and as one who intends to continue support of the ECA program, at least to the extent of providing such funds as can be shown to be needed for the economic rehabilitation of Europe, including England, but within the financial ability of the taxpayers of the United States to

make the contributions. But, as a supporter of ECA, I wish the RECORD to make perfectly clear this afternoon that I am not going to support any appropriations for ECA to be used by Great Britain to build up the Communist air force of Communist China, and if that is what the plan is, then I think we had better have a pretty frank talk about ECA funds when the issue reaches the floor of the Senate. I give the State Department this advance notice this afternoon as to the position of the junior Senator from Oregon.

Mr. President, while I am on my feet, I turn briefly to another subject preparatory to introducing an editorial into the RECORD.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

NATIONAL LABOR RELATIONS BOARD—POWERS OF GENERAL COUNSEL

Mr. MORSE. Mr. President, it was gratifying to read in the press over the weekend that the National Labor Relations Board had revised the delegation agreement between the Board and the general counsel of the Board so as to make it clear, at least so far as the terms of the agreement are concerned, that the general counsel is to act as the agent of the Board in representing it in court. It is to be hoped that this step will to some extent diminish the area of conflict between the Board and the general counsel, although it is plain that the law under which they operate encourages the pursuit of divergent policies in this bifurcated agency. In fact, this tendency of the Taft-Hartley Act became so apparent, after 2 years of operation, that last year when revision of the law was under consideration there was no disagreement in the Committee on Labor and Public Welfare on the proposition that the office of independent general counsel of the Board should be abolished.

In fact, I think it is only fair and proper to point out that the distinguished Senator from Ohio [Mr. TAFT], himself one of the authors of the Taft-Hartley law, in the last session of the Eighty-first Congress, reported an amendment to the Taft-Hartley law which would have carried out the identical principle for which the junior Senator from Oregon fought in 1947, one of the principles that caused the junior Senator from Oregon to vote against the Taft-Hartley law, namely, the principle of the Taft-Hartley law which gives to the general counsel, in the wording of the law, the independent power to issue or not issue complaints in accordance with his own discretion. I recall that in the debate in 1947, on more than one occasion, the junior Senator from Oregon argued on the floor of the Senate that never, with his vote, would he give to any man in Government such an arbitrary and unchecked discretionary power as the Taft-Hartley law gives to the General Counsel of the National Labor Relations Board when it comes to deciding to issue or not to issue complaints.

In the debate in 1947 the junior Senator from Oregon warned the Senate that if the power were granted to any individual, I cared not who, trouble was in store. Our whole experience since the passage of the Taft-Hartley law has been that the general counsel under that law has done exactly what the junior Senator from Oregon warned would be done if we ever made the mistake of giving to a mere man such sweeping, blanket, arbitrary power.

At our hearings in the first session of the Eighty-first Congress, when some of us again raised the point that it was a mistake to have that section in the Taft-Hartley law, it was very gratifying to us to see that, although belatedly, the Senator from Ohio had come to the same conclusion, namely, that the power ought to be checked. I say in great respect to the Senator from Ohio, that one of his fine characteristics is that, once he can be shown on the facts and by way of experience that a mistake has been made, he does not hesitate to seek to rectify the mistake.

In the last session of the Congress, the Senator from Ohio agreed, when we concluded our hearings, that it was a mistake to give to the general counsel of the National Labor Relations Board such sweeping power as the Taft-Hartley law gives to him. I wish he were present this afternoon, but I am sure that if I do not bespeak accurately his point of view, he will correct me in the RECORD at another date. I was greatly gratified to see the senior Senator from Ohio take the position in the Eighty-first Congress which the junior Senator from Oregon took in the Eightieth Congress when the Taft-Hartley debate was being waged in the Senate, that it was a mistake to give the general counsel the power the Taft-Hartley law gives him.

So, Mr. President, until the necessary legislative step is taken to check the power of the general counsel of the National Labor Relations Board, the existing power will continue to be a handicap in what I think is a fair administration of the law. But I believe the Board is to be commended for its recent action in seeking to minimize, to the extent that it can within the wording of the present statute, the opportunity for and the area of disagreement on basic policy between itself and the general counsel.

In this connection, I believe Senators will be interested in yesterday's editorial in the Washington Post, entitled "Insubordinate Counsel," and I ask unanimous consent that it may appear in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INSUBORDINATE COUNSEL

The controversy between the National Labor Relations Board and its general counsel, Robert N. Denham, is not merely a clash of personalities. The Board is obviously concerned about proper presentation of its point of view in labor cases that are being carried to the courts. It is Mr. Denham's duty to represent the Board when its orders are challenged, and he so far forgot that duty last month as to state in a public address that he thought the Board was wrong in several cases about to go to the courts. Indeed, he seemed to invite employers to take their cases against the NLRB to the courts where he will be the Board's defender. It is not surprising that this anomalous situation should bring from the Board an order that Mr. Denham shall defend its actions "in full accordance with the directions of the Board."

To be sure, the general counsel is appointed by the President, and the Taft-Hartley Act gives him final authority in the investigation of charges of unfair labor practices and in the issuance of complaints. But the act also says that he "shall have such other duties as the Board may prescribe." Apparently one of these is representation of the Board in court. Certainly, then, the NLRB has a right to tell Mr. Denham what kind of representation it wishes to have. Nor does there seem to be any question about the right of the Board to veto any important changes initiated by Mr. Denham in the offices of the regional directors, for the power to appoint such officials is lodged directly in the Board.

If the restrictions laid upon Mr. Denham have the appearance of a vote of no-confidence, it must be admitted that he asked for it in his unwarranted attack of January 12. Too often Mr. Denham has acted as if he were a detached agency having no obligation to cooperate with the NLRB in getting an important job done. He needs to be brought back into his proper orbit as "general counsel of the Board." NLRB officials did not invent that term to belittle Mr. Denham in the process of a clash of personalities. They copied it out of the Taft-Hartley Act. If Mr. Denham continues to conduct his office as if the Board were only a tail to his kite, Congress will have no alternative to spelling out his subordination to the Board when the T-H law is modified.

EXECUTIVE SESSION

Mr. MYERS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. LEHMAN in the chair). If there be no reports of committees, the clerk will state the nominations on the Calendar.

UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of Charles F. McLaughlin to be a United States district judge.

Mr. MORSE. Mr. President, I should like to ask the acting majority leader whether it is not true that this particular nomination comes to the floor of the Senate with the unanimous vote of the Judiciary Committee?

Mr. MYERS. That is my understanding, I may say to the Senator from Oregon.

Mr. MORSE. On the basis of that understanding, I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed and without objection, the President will be notified immediately.

RECESS

Mr. MYERS. Mr. President, as in legislative session, I move that the Senate stand in recess until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 1, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 28 (legislative day of February 22), 1950:

WAR CLAIMS COMMISSION

Myron Wiener, of New York, to be a member of the War Claims Commission, vice David N. Lewis, deceased.

GOVERNOR OF THE VIRGIN ISLANDS

Morris F. de Castro, of the Virgin Islands, to be Governor of the Virgin Islands, vice William H. Hastie.

IN THE COAST GUARD

Capt. Alfred C. Richmond, United States Coast Guard, to be Assistant Commandant of the United States Coast Guard, for a period of 4 years, with the rank of rear admiral.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28 (legislative day of February 22), 1950:

UNITED STATES DISTRICT JUDGE

Hon. Charles F. McLaughlin to be United States district judge for the District of Columbia.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 28, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, may this moment of prayer inspire us with a new awareness of our spiritual resources.

May we be impelled by a noble purpose in every plan that we present for the solution of our many problems.

We humbly confess that there are frequently such discrepancies between our promises and our performances, between our profession and our practice, between our creed and our conduct.

We pray that these may not be at variance with one another, but always in close and cordial agreement.

Grant that daily we may validate and authenticate the reality and glory of democracy by our loyalty to its ideals and principles.

In Christ's name we bring our petitions. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 398. Joint resolution relating to cotton and peanut acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate insists upon its amendments to the foregoing joint resolution, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. ELLENDER, Mr. LUCAS, Mr. HOEY, Mr. AIKEN, Mr. YOUNG, and Mr. THYE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4406) entitled "An act to provide for the settlement of certain claims of the Government of the United States on its own behalf and on behalf of American nationals against foreign governments."

EXTENSION OF REMARKS

Mrs. DOUGLAS (at the request of Mr. PATTEN) was given permission to extend her remarks in the RECORD in five instances and include extraneous matter.

Mr. TEAGUE asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. FERNÓS-ISERN asked and was given permission to extend his remarks in the RECORD.

CREATION OF CIVILIAN CONSERVATION CORPS

Mrs. BOSONE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

Mrs. BOSONE. Mr. Speaker, today I am introducing a bill to set up a modified version of the original Civilian Conservation Corps program. I am introducing this bill for two reasons:

First, at the present time there are some 4,000,000 acres of national forests which need reforestation. There are 2,000,000 acres of trees suffering from blister rust. One hundred thousand miles of roads need to be built into the various mountainous and wooded areas of this country. Fourteen hundred lookout towers are needed for fire protection.

Second, last month there were 1,000,000 boys between the ages of 16 and 24 who were looking for work. Unemployment at the present time is greatest in this age group.

I have long since been convinced that the thousands of boys who know nothing but the pavements of congested areas should have an opportunity to breathe the fresh air that comes from working in the out-of-doors. I believe the records will so show the health results and morale building of the CCC camps during the depression. I very definitely think that the influence of such a program has an important effect upon the future lives of these boys. It is a program of conservation all the way around.

PERMISSION TO ADDRESS THE HOUSE

Mr. NOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. NOLAND addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. CELLER asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD in two instances, to include in one an article by David Lawrence and in the other an editorial appearing in the Brooklyn Eagle.

Mr. MITCHELL asked and was given permission to extend his remarks in the RECORD in two instances and include in one extraneous material.

THE LATE COURTNEY WALKER HAMLIN

Mr. CHRISTOPHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CHRISTOPHER. Mr. Speaker, it becomes my sad duty this morning to inform the House that a man who was supposed to have been the oldest ex-Member of this House died at Santa Monica, Calif., the 16th day of this month, Courtney Walker Hamlin. Perhaps some of the older Members of this House will remember Mr. Hamlin. A brief biography is as follows:

Hamlin, Courtney Walker, a Representative from Missouri; born in Brevard, Transylvania County, N. C., October 27, 1858; moved to Missouri with his parents in 1869, settled in Leasburg, Crawford County, Mo.; attended the common schools and Salem, Mo., Academy; studied law, was admitted to the bar in 1882, and commenced practice in Bolivar, Polk County, Mo.; delegate to almost every Democratic State convention since 1886; elected as a Democrat to the Fifty-eighth Congress, March 4, 1903, to March 3, 1905; elected to the Sixtieth, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Congresses, March 4, 1907, to March 3, 1919; resumed the practice of law in Springfield, Green County, Mo., where he remained until 1935 when he removed to Santa Monica, Calif., where he passed away February 16, 1950, at the age of 92.

While a Member of the House Mr. Hamlin became an expert on the parliamentary practice of the Congress and while presiding over the Committee of the Whole House rendered a number of important decisions which have been recorded in the precedents of the House and which continue to influence the proceedings of the Congress.

A newspaper article relating to Mr. Hamlin reads as follows:

DEATH TAKES C. W. HAMLIN—OLD-TIME LAWYER, CAME FROM HERE

Courtney W. Hamlin, former Springfield attorney and believed to be the oldest living ex-United States Congressman, died Thursday night in Santa Monica, Calif., at the age of 92.

He had lived for 15 years in Santa Monica where his two daughters, Misses Pearl and Cressie Hamlin reside. Mr. Hamlin also is survived by a son, Circuit Court Judge Carl O. Hamlin, of Corpus Christi, Tex.

A well-known member of the Green County Bar Association, he practiced law in Springfield for 50 years, coming here from Bolivar in 1885. He was admitted to the Missouri bar in 1882.

With the exception of one term, he represented the old Seventh Congressional District of Missouri from 1902 to 1919, serving through both terms of President Woodrow Wilson.

His campaign manager from the time he was first nominated until his last election as Congressman was M. D. Lightfoot, of Springfield, who was associated with him in a political way for 20 years. They were warm friends for 45 years.

"Courtney Hamlin was an honorable and high-minded gentleman and was always conscientious in the duties of his office," Lightfoot said last night on learning of the death of his friend.

It was recalled by a nephew, Ernest Hamlin, of 1896 North Douglas, that Congressman Hamlin was in favor of woman's suffrage, while his brother, Ernest Hamlin's father, was opposed. "That was the only racket they ever had," the nephew said.

C. W. Hamlin was born in Brevard, N. C., and traveled with his parents by wagon train to Leasburg, Mo., later resided in Bolivar, and eventually made Springfield his home. His wife, Mrs. Annie L. Hamlin, died in 1932.

Mr. Hamlin was a member of the Springfield School Board at the time that Jonathan Fairbanks was superintendent of schools. He was a member of First Baptist Church where he taught the men's bible class.

Hamlin Memorial Baptist Church is named for his father, James R. Hamlin.

Funeral services will be held in Santa Monica Monday and the body will be shipped here to the Alma Lohmeyer-Jewell E. Windle funeral home. Graveside rites will not be held until his son, Judge Hamlin, who has undergone an eye operation in a Corpus Christi hospital, has recovered sufficiently to make the journey.

Another nephew, Omer Long, and two nieces, Mrs. Granville Waller and Miss Bess Long, reside at North Douglas addresses.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MILLER of Nebraska. Mr. Speaker, reserving the right to object, I thought the procedure was going to be that we were going to follow right on through with the rest of the committees.

Mr. McCORMACK. I am asking unanimous consent that Calendar Wednesday be dispensed with.

Mr. RANKIN. Mr. Speaker, I will be compelled to object to that request.

ALASKA

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I have received a letter from Mrs. Z. V. Peterson, chairman of the legislation department of the Georgia Federation of Women's Clubs, expressing the interest of that federation in the bill to admit Alaska as the forty-ninth State of the Union.

This question has been carefully and earnestly considered by the women of this organization.

In order that the Members of the House may have the benefit of this organization's opinion, under leave previously granted I am inserting the letter herewith:

GEORGIA FEDERATION OF WOMEN'S CLUBS,
Atlanta, Ga., February 24, 1950.

Congressman JAMES C. DAVIS,
Washington, D. C.

DEAR JUDGE: The Georgia Federation of Women's Clubs is very much interested in having Alaska admitted as the forty-ninth State of the Union, and in furtherance of that passed the following resolution:

"We urge upon Congress the speedy enactment of legislation that will admit Alaska as the forty-ninth State of the Union."

We think 83 years as a possession and 37 years as an incorporated territory, presumably serving an apprenticeship for statehood, is long enough, and that Alaska now seems ready for statehood, with no public debt, a good system of schools, programs already developed for health, welfare, and social services, and with resources adequate to support a State government. Most important of all is its strategic position in the matter of defense.

The Georgia Federation of Women's Clubs will appreciate your support of this measure.

Sincerely,

GARTHA B. PETERSON
(Mrs. Z. V. Peterson),
Chairman, Legislation Department, Georgia Federation of Women's Clubs.

RECORD SET FOR DEPOSITORS' SAFETY UNDER FDIC

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, I wish to call the attention of the House to a statement recently carried in many newspapers. Mr. Maple T. Harl, chairman of the board of directors of the Federal Deposit Insurance Corporation, has just announced that there has not been a loss to a depositor in an insured bank in 6 years. This is a very commendable record of achievement. It represents, as Mr. Harl has stated, an all-time record in the Nation's history for depositors' safety, and bank solvency and stability. I believe we cannot laud too greatly this magnificent record of Federal deposit insurance. From its inception in 1933 right on down to the present day, the Federal Deposit Insurance Corporation has been a model of efficiency and effectiveness. From a beginning shrouded in controversy and doubt, it has developed to an unquestioned position of integrity and success.

In these times of heavy costs of government, it is refreshing to note that the FDIC, one of the most effective and efficient of the Federal agencies, does not consume any of the taxpayers' money. It is supported entirely by assessments paid by the insured banks. The Government capital invested in the Corporation at its beginning has been repaid.

There is now pending before the Senate a bill to rewrite the entire Federal deposit insurance law. From my brief reading of the bill, I gather the impression that it is, for the most part, a banker's bill, since one of its chief features is a drastic reduction in the assessments which insured banks pay to the Corporation for deposit insurance. I hope that the interests of depositors will not be forgotten when any such bill comes before the House. Federal deposit insurance was designed to safeguard depositors' funds. One hundred and four million depositors now look to the Corporation for protection. Their interests should be foremost and of the greatest concern in any legislation concerning the FDIC. It is now the only spokesman for depositors. Its successful and efficient operations should give its opinions great weight in any broad scale revision of the laws under which it must operate, and its warning of danger signals should be heeded. The very minimum that the Congress can do to guarantee the continued success of Federal deposit insurance is to provide every possible means to the Corporation to enable it to carry on its brilliant record of achievement.

EXTENSION OF REMARKS

Mr. TACKETT asked and was given permission to extend his remarks in the RECORD in three instances and include in each an editorial.

Mr. LARCADE asked and was given permission to extend his remarks in the RECORD and include an editorial from the New York Times of Sunday, entitled "Fifty States."

Mr. EVINS asked and was given permission to extend his remarks in the RECORD and include two editorials.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in three instances and include extraneous matter.

Mrs. DOUGLAS (at the request of Mr. HOLIFIELD) was given permission to extend her remarks in the RECORD and include extraneous material.

VETERANS' HOSPITALS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I objected to dispensing with the business in order on Calendar Wednesday, and expect to continue to object to it until we get a vote on our bill to restore those 16,000 beds in the veterans' hospitals that were removed by Executive order.

The money was appropriated last year for this purpose. It affects every State in the Union.

In order that we may make every effort possible to get this bill to the floor of the House, I have also filed a petition, No. 24, with the Clerk, to petition it out

of the Rules Committee, that seems to have sat down on my motion for a rule.

So if you are interested just step up to the Clerk's desk and sign petition No. 24. If we cannot get it out in that way, we will just keep objecting to dispensing with Calendar Wednesday until our Veterans' Committee is reached.

PERMISSION TO ADDRESS THE HOUSE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. WILLIAMS addressed the House. His remarks appear in the Appendix.]

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. ALLEN of Illinois addressed the House. His remarks appear in the Appendix.]

FEDERAL BUILDING IN GLASGOW, MO.

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, I want to read to the House an item carried by the Associated Press. It says:

WASHINGTON.—Maj. Gen. Harry H. Vaughan, military aide to President Truman, is reported interested in getting a Federal building sometime in the future for his home town of Glasgow, Mo.

Representative MOULDER, Democrat, Missouri, in whose congressional district the town is located, told a reporter General Vaughan has asked him if he would have any objection in event a site were contributed by Glasgow in the hope that a Federal building later could be obtained there.

MOULDER said he replied that he had no objection.

Now, Mr. Speaker, I want to ask a few questions. Will this Federal building in Glasgow be known as the Harry H. Vaughan Memorial Library? Will it have one room to house the Vaughan deep-freeze collection? Will it have a room for the perfume collection and will it have another room where the Vaughan collection of medals, including his decoration from General Peron, or Argentina, will be displayed?

I also want to inquire if it is planned to have John Steelman named as librarian of this shrine to Vaughan at the end of his White House tenure?

I think the answers to these questions will interest all Members of the House.

EXTENSION OF REMARKS

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article.

THE COAL SITUATION

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, it is a wise thing to keep your head on your shoulders and your feet on the ground. The President of the United States has himself in a hole on coal. As was said here, for 2 months he has been dilly-dallying around with this question until the people of this country are running out of coal. He now sees them cold. I am submitting a short editorial on why we have a coal crisis as part of my remarks.

You are going to be asked by this New Deal administration to take over and nationalize the coal industry. Then John L. Lewis will be out of the hole, but the country will be in the hole, when they bail out these broken-down coal mines because the coal miners have refused to mine coal. It is a terrible situation. It is a situation which is going to be very difficult to handle. The Members of Congress want to keep their head on their shoulders and their feet on the ground and know what they are doing if they do not want to socialize this great country of ours.

The editorial is as follows:

WHY WE HAVE A COAL CRISIS

Now the real truth about the coal strike begins to come out. While churches, schools, and industries turn cold and the public suffers, John L. Lewis and Mr. Truman are working together for a common purpose.

The first half of this purpose is to destroy public confidence in the Taft-Hartley law. The second half is to bring about Government seizure of the coal mines.

The total is to build more power for the Government at any price to the people, including John L., himself, who stands to become sucker No. 1 in the whole dirty intrigue, as it runs its course.

The plan of mine seizure clearly shows why.

Instead of applying the Taft-Hartley formula for orderly handling of the coal crisis when it first took shape, Mr. Truman has laid back until now in the moment of national desperation Congress is ready to grab at any instrument of seeming solution.

STRAIGHT TO SOCIALISM

And so, lo and behold, up pops Representative BAILEY, Democrat, of West Virginia, a known creature of John L. Lewis' will, with a mine-seizure bill. Representative LESINSKI, Democrat, of Michigan, chairman of the House Labor Committee and an equally known creature of Truman's will, announces it must be given immediate attention.

So now we know. The Government seizes the mines. Then the Government imposes conditions of operation that satisfy John L. Lewis and the mine owners have to accept these in order to get their property back. That has worked before, and Lewis is always glad to have it work again.

But it doesn't stop there.

Nobody can miss the point of administration talk about all mine earnings during seizure going to the Treasury, after reasonable compensation to the owners.

The object of the whole administration performance can now be plainly seen. Mr. Truman wants to socialize the mines as they have been socialized in Britain for that means all the more power to him. Once the Government has a solid grip on the coal industry John L. Lewis can be kicked down stairs.

The miners will all be dependent on the Government for their livings, and no doubt Kansas City Bill Boyle will teach them the price of that Jackson-Jefferson Day dinner, at $100 per plate.

WAR SCARES

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Speaker, there is a feeling over the country that we are on the verge of another war. This feeling is becoming tense with many people.

The people are being encouraged into this tense attitude by what they read. One of the leading weekly publications in its last week's issue had as its lead off article a story about this matter of national security. Here is what it said in its first paragraph:

Drastic wartime controls over private business and civilians for use in world war III now are in the final drafting stage. The master plan already is agreed upon by the top United States officials. The job of drawing up detailed legislation is under way.

Restrictions decided upon for the next war make those of the last war seem mild by comparison. Planning is being based upon the assumption that war will come in a year like 1950 when there is full employment of a labor force in producing goods and services for civilian enjoyment.

The blueprint has been prepared by the National Security Resources Board. In its plan, just released from a confidential classification, NSRB recognizes a need for drastic crackdown on civilians to release men and materials for war, if that should come. Private building will be stopped cold.

It is well to plan for any contingency but sometimes wars are the result of frenzy attendant upon too much planning. Cannot we plan more secretively? It seems the world knows what we do even before we do it.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include a memorandum from the DAV regarding what the Secretary of the Treasury has requested in connection with taxation and heavy assessments against the DAV.

SIXTEEN THOUSAND HOSPITAL BEDS LEGISLATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I agree heartily with the gentleman from Mississippi [Mr. RANKIN] in objecting to dispensing with Calendar Wednesday until the 16,000-hospital-bed bill has been acted upon. The Congress has already authorized the building of those 16,000 hospital beds. Sixty

million dollars already has been spent on plans and so forth, but a presidential cut-back was ordered. The Committee on Appropriations has made the appropriation for the building of the beds. It will cost the taxpayers no more money. The money is already there to build those beds, but they are not being constructed. So another direction by the Congress should be made.

Mr. Speaker, it is much more difficult to secure the passage of legislation for the sick and disabled than it is for the able-bodied. There was a veto by the President of the bill to provide cars for the amputees and severely wounded and blind. That bill was vetoed. To my mind, it was the most cruel veto that has ever been made in all my service here since 1925. The President was misled by those who did not care for the pitifully disabled. It was a slap in the face of the blind and others—we should do more for the disabled.

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

THE COAL SITUATION

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Speaker, the situation with respect to coal is indeed becoming critical. If you were out in my area where the temperature is today perhaps 12 below zero, you would realize that with a coal shortage imminent throughout the country and the actual closing down of schools and factories we are facing a very critical situation.

I have heard in the well of this House day after day and day after day repeated statements calling attention to these critical facts, and they are facts; but I have heard no one make a suggestion yet as to what the Congress could do, or anyone could do, to compel men to work and produce coal who do not elect to work and produce coal. Under our system of government we cannot compel the miners to go down into the bowels of the earth at the point of a bayonet. I would like to have the brains of this Nation directed to the question of how we can so arrange our economic affairs as to induce those who have devoted their lives to the mining situation tell us what the Congress can do, what the President can do, or what anyone can do to alleviate the present distressing situation. We have heard many caustic complaints about John L. Lewis and his miners—little has been said as to the attitudes of the operators. If coal is what we need, then it seems to me we should immediately examine the attitude of the operators. It takes two parties to make an agreement, but one party can block any agreement that will produce coal. Can it be, as has been recently suggested, that the operators want seizure of the mines, which might ultimately force the Government to nationalize the coal mines and thus pay off the owners? I do not have the answer, and the question is asked to provide some further consideration of the question.

Let us leave no avenue of discovery unconsidered.

What we want is coal.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, the administration's handling of the coal strike is not in the best public interest. Efforts to show the Taft-Hartley law inadequate, coupled with the desire to ultimately nationalize the coal industry seem to be the goal of the administration.

The Justice Department should bring into court the district leaders of the United Mine Workers today and if they failed to put the men to work, the court could then administer such punishment as is necessary. If this step were taken, coal production would be resumed in a matter of hours.

The President's unlawful handling of the steel strike some months ago has raised the price of steel to the farmers, small manufacturers and the consumers in general. A seizure of the coal mines is not the appropriate remedy. It will result in a surrender to those who are making excessive demands.

The Truman administration, if they have any concern for the consuming public and any desire to retain our system of private enterprise, should make a sincere and thorough effort to enforce the Taft-Hartley law. This has not been done to date.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD in two separate instances and in each to include extraneous matter.

Mr. SCUDDER asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. HOPE asked and was given permission to extend his remarks in the Appendix of the RECORD in two separate instances and in each to include extraneous matter.

Mr. HOEVEN asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter.

Mr. LOVRE asked and was given permission to extend his remarks in the Appendix of the RECORD in three separate instances and in each to include extraneous matter.

PRICE SUPPORT FOR HOGS

Mr. HOEVEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter from the Secretary of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOEVEN. Mr. Speaker, 18 Congressmen from the principal hog-raising States have joined in a letter to Secretary of Agriculture, Charles F. Brannan, protesting the delay in the announcement of the details of price-support program for hogs. They demanded that the Secretary of Agriculture, who has the authority to set the support price level at any point between zero and 90 percent of parity, make an immediate announcement of the support level after March 31, 1950.

During the past year the Department of Agriculture has had a price-support program for hogs under which farmers were assured 90 percent of parity. That program ends on March 31, 1950.

The letter follows:

FEBRUARY 24, 1950.

Hon. CHARLES F. BRANNAN,
Secretary of Agriculture, Department of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: We, the undersigned, Members of Congress representing the principal hog-raising States of the United States and acting in behalf of the hog raisers in our districts, urge that you immediately announce the support level for hogs after March 31. It being our understanding that in Des Moines, Iowa, on February 18, 1950, you stated that the price-support program on hogs will continue. Inasmuch as you have the authority to set the support level at any point between zero and 90 percent of parity and failed to name a level, considerable confusion has resulted.

We feel that our farmers are entitled to know the details of the proposed program that is already late compared with previous announcements. We also feel that as a matter of simple justice, in preserving the farmers income and the well-being of the country's economy, that the support level after March 31, 1950, should be announced at once.

Sincerely yours,

CHARLES B. HOEVEN, Iowa; AUGUST H. ANDRESEN, Minnesota; HENRY O. TALLE, Iowa; JAMES I. DOLLIVER, Iowa; HAROLD O. LOVRE, South Dakota; PAUL CUNNINGHAM, Iowa; CARL T. CURTIS, Nebraska; HAROLD C. HAGEN, Minnesota; JOSEPH P. O'HARA, Minnesota; KARL STEFAN, Nebraska; A. L. MILLER, Nebraska; K. M. LECOMPTE, Iowa; FRANCIS CASE, South Dakota; BEN F. JENSEN, Iowa; H. R. GROSS, Iowa; CLIFF CLEVENGER, Ohio; REID F. MURRAY, Wisconsin; CHARLES W. VURSELL, Illinois.

NASHUA GUMMED & COATED PAPER CO., NEW HAMPSHIRE

Mr. COTTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. COTTON. Mr. Speaker, a record of peaceful labor relations in a plant where management deals separately with seven unions is analyzed in the latest case study on the causes of industrial peace by the National Planning Association, a nonprofit, nonpolitical organization which has made many studies, some of them at the request of departments of the Government.

The company selected from the entire country in this recent study as an outstanding example of successful labor relations is the Nashua Gummed & Coated Paper Co., of New Hampshire, located in my district. The long record of peace-

ful, friendly relations in this company is a happy contrast to the unfriendly labor situations that receive so much publicity. It is with pride that I call it to the attention of the House. Incidentally, it indicates that New Hampshire would be a good place for industries seeking a location.

EXTENSION OF REMARKS

Mr. GROSS asked and was given permission to extend his remarks in the RECORD and include an article on grain speculation.

Mrs. ST. GEORGE asked and was given permission to extend her remarks in the RECORD and include an editorial from a paper in her district.

Mr. VAN ZANDT asked and was given permission to extend his remarks in the RECORD.

Mr. COUDERT (at the request of Mr. KEATING) was given permission to extend his remarks in the RECORD and include extraneous material.

Mr. ANDERSON of California asked and was given permission to extend his remarks in the RECORD and include a petition.

Mr. MANSFIELD asked and was given permission to extend his remarks in the RECORD and include certain material.

Mr. JONES of Missouri asked and was given permission to extend his remarks in the RECORD and include an address he made at an REA meeting last week.

Mr. POLK. Mr. Speaker, Hon. Adam Frick, of Timlin Road, Portsmouth, Ohio, a successful farmer and former member of the Ohio Legislature, recently wrote a very thought-provoking letter to the President on the farm situation as it affects the state of the Nation.

I ask unanimous consent to extend my remarks in the Appendix of the RECORD by inserting Mr. Frick's letter to President Truman.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARMATZ asked and was given permission to extend his remarks in the RECORD and include a speech he made on Lithuanian independence.

THE COAL SITUATION

Mr. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD. Mr. Speaker, anything I may say today in regard to the coal situation would be mere reiteration of what I have been saying for the past 4 months, but I do wish to remind the Members of the House that it is 14 degrees below zero in Michigan and the people are getting colder by the hour because of the President's procrastination in invoking the national-emergency provisions of the Taft-Hartley Act.

There is a law on the books that has been most helpful in alleviating our situation, namely the FHA legislation which provides for repair and maintenance loans on homes so that people may convert from coal to gas. In the city of Grand Rapids some 10,000 people in the last 9 months have converted from coal to gas. In other words, over 25 percent of the homes in Grand Rapids within a year have fortunately made this conversion. A substantial portion of these conversions were handled under title I of the existing FHA legislation.

This legislation, including title I, expires today and if we do not have a renewal of the authorization we are going to hinder and hamper conversions by the thousands which are vitally necessary for public health and welfare in a State that is terribly affected by the present situation.

I was recently informed by the officials of a single bank in Grand Rapids that applications for conversions, under title I, were being received at the rate of 30 a day. These people cannot get coal because of President Truman's failure to act promptly under the Taft-Hartley Act. The Democratic leadership now roadblocks the consideration of FHA legislation even though such a lack of action may materially add to almost universal human suffering. I condemn the Democrats for lack of foresight in both instances.

Mr. COLE of Kansas. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Kansas.

Mr. COLE of Kansas. Does the gentleman know that the reason that law expires today is due to the fact the Democratic administration and leadership has failed to present it to the Congress because they want it as a magnet in drawing votes to the controversial housing bill? The Democratic leadership has deliberately permitted title I to lapse, and they inserted it in the cooperative housing bill solely to attract support for this measure. This is not the first time the Democratic leadership has used title I as a political football. The result called to our attention by the gentleman from Michigan [Mr. FORD] is by reason of this fast and loose Democratic playing of politics.

The SPEAKER. The time of the gentleman from Michigan has expired.

A FEDERAL BUILDING IN THE SECOND CONGRESSIONAL DISTRICT OF MISSOURI

Mr. MOULDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOULDER. Mr. Speaker, I hesitate to dignify the statement made a few moments ago by the gentleman from Indiana [Mr. WILSON], who made sarcastic and preposterous statements with reference to the proposal to construct a Federal post-office building within the Second Congressional District of Missouri. I realize his statement is pure political chicanery and is based upon political hatred.

The gentleman from Indiana well knows that during the last session of this Congress, a bill was passed providing for the acquisition of at least one site for future construction of a post-office building in each congressional district. I assume that the gentleman from Indiana has been consulted as to the site which he has or will recommend for his district, and I assure him that I am informed and well able to manage the affairs of my district without any assistance or suggestion by the gentleman from Indiana.

The SPEAKER. The time of the gentleman from Missouri has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. PHILBIN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MULTER asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. MERROW asked and was given permission to extend his remarks in the RECORD in two instances and include in each an editorial.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House, which was read:

FEBRUARY 25, 1950.

The honorable the SPEAKER,
House of Representatives.

SIR: A certificate of election in due form of law showing the election of WILLIAM H. BATES as a Representative-elect to the Eighty-first Congress from the Sixth Congressional District of the Commonwealth of Massachusetts, to fill the vacancy caused by the death of Hon. George J. Bates, is on file in this office.

Very truly yours,

RALPH R. ROBERTS,
Clerk of the House of Representatives.

SWEARING IN OF MEMBER

Mr. BATES appeared at the bar of the House and took the oath of office.

PRICING PRACTICES

Mr. CELLER. Mr. Speaker, I call up S. 1008, to define the application of the Federal Trade Commission Act and the Clayton Act to certain pricing practices, with amendments.

The Clerk read the title of the bill.

Mr. CELLER. Mr. Speaker, I move that the House insist upon its amendments to S. 1008, to define the application of the Federal Trade Commission Act and the Clayton Act to pricing practices, and agree to the further conference requested by the Senate.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I make the unanimous consent request, in view of the importance of this subject and the demand for time, that the time be extended 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. KEARNS. I object, Mr. Speaker.

Mr. CELLER. Mr. Speaker, I yield myself 8 minutes.

CALL OF THE HOUSE

Mr. KEEFE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Barden	Hedrick	Pfeifer,
Boggs, Del.	Herter	Joseph L.
Bolton, Ohio	Hoffman, Ill.	Poage
Bosone	Jackson, Calif.	Powell
Brooks	Kelley, Pa.	Redden
Buckley, N. Y.	Kunkel	Regan
Bulwinkle	Lyle	Sadowski
Byrne, N. Y.	McGrath	Sasscer
Cannon	McMillan, S. C.	Secrest
Chudoff	Macy	Shafer
Coudert	Marcantonio	Shelley
Davis, Tenn.	Marshall	Smathers
Dawson	Miles	Smith, Ohio
Douglas	Miller, Calif.	Taylor
Engle, Calif.	Morrison	Whitaker
Gary	Murphy	Wilson, Tex.
Gilmer	Murray, Wis.	Worley
Golden	O'Brien, Mich.	Yates
Hall,	O'Toole	
Leonard W.	Pace	

The SPEAKER. On this roll call 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. JENSEN asked and was given permission to extend his remarks in the RECORD and include a resolution.

PRICING PRACTICES

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. Speaker, I wish to state at the outset that there is no disposition on the part of the Committee on the Judiciary of the House or any of its members to weaken in any respect our antitrust laws. That is clearly indicated. For example, the Judiciary Committee through one of its subcommittees is now conducting important hearings or an inquiry into the concentration of economic power in this country. The Judiciary Committee likewise is considering a number of bills to increase penalties for violation of our antitrust laws. We passed the Celler bill (H. R. 2734) to plug holes in one antitrust law by preventing mergers by acquisition of assets and thereby causing throttling of competition. We are doing all and sundry to strengthen, certainly not weaken, the antitrust fabric.

Mr. Speaker, the bill, S. 1008, as originally submitted had as its major objective elimination of the confusion in the interpretation of the Clayton Act, and the Federal Trade Commission Act, as amended by the Robinson-Patman Act. This confusion was due to certain obiter dicta, as the lawyers call it, indulged in by Justice Black in the Cement Institute case which obiter dicta was somewhat unrelieved by the so-called 4–4 decision in the Rigid Steel case.

If Justice Black had simply stated that any individual could either absorb the freight or sell f. o. b. his mill or factory and did not indulge in these extraneous remarks of his and did not make these extra observations, I do not think there would have been any trouble, but the erudite excursion indulged in by Mr. Justice Black caused all of the difficulty. The decision itself in the Cement case unrelieved by the observations of Mr. Justice Black simply states that an individual can absorb freight or sell f. o. b. his plant.

The businessmen and those engaged in commerce and industry throughout the length and breadth of the land when they read this decision unrelieved by the Rigid Steel case did not know where they were. The obiter dicta aforesaid created doubts and confusion. So they came to the Congress for some relief. They wanted to know whether they could or could not absorb their freight rates in their business dealings.

The Senate, in the first instance, undertook to pass a bill which would permit the individual, not acting in a conspiracy with others, to absorb the freight, but unfortunately the Senate went beyond that and added certain provisions which I think were unfortunate. Those provisions sought to liquidate some other judicial decisions, one decision in particular, the Standard Oil of Indiana case. That case has not even gone to the Supreme Court, and was decided in the Circuit Court for the Seventh Circuit. However we got the bill and we made some changes in it. The House passed the Senate bill with the amendments we prepared in the Committee on the Judiciary. The House passed the bill by a two to one vote.

The bill then went to conference. The conferees labored long. The conference report came back to the House, and the House again registered its approval of the report, indicating clearly it wanted this sort of bill. It accepted the conference report by a decisive vote. Thus the House on two distinct occasions indicated that it wanted some legislation. It passed the original bill; it accepted the conference report. The conference report went back to the Senate, and the Senate then deemed it advisable to postpone consideration. The House having accepted the conference report, the House conferees were discharged.

We are now in the position that we were when we asked that the bill go to conference in the first instance. I think it is the duty of the House now to send this bill to another conference for another try. If we try to prevent a bill, passed differently in both Houses, from going to conference, we just stymie the legislative process; we develop a stalemate. That is no way to legislate. I would say that many bills—I cannot count the infinite number—are passed differently in both Houses, and in my long experience here I do not know of a single case where there has been a refusal to go to conference. Yes, sometimes a rule is procured, but the body always approves a resolution and go to conference.

Why should there be a refusal now? I do not want to argue the merits or demerits of the bill. I personally did not sign the conference report, but that is no reason why we should not have a second try at it; no reason we should not make an honest-to-goodness attempt to come to some agreement, and those who object now—and I do not think they should object to this going to conference—will have ample opportunity when the bill comes back from conference to register approval or disapproval.

Mr. JAVITS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. JAVITS. Is it the gentleman's disposition to maintain the strong attitude the gentleman maintained before on the amendments which were put in on the floor of the House?

Mr. CELLER. I do not think that is a fair question. I will say this, that one must bend, sometimes, rather than break. All legislation of importance is a compromise, and I may have to compromise. I am not going to compromise principles; I might have to compromise on the matter of procedure, because there is lots of procedure in this bill.

Mr. JAVITS. That is essentially the point. The gentleman does not intend to compromise principle insofar as an effort to arrive at agreement is concerned.

Mr. CELLER. My answer is that I may have to compromise. I do not know to what degree I am going to compromise. We must get some legislation here because the House, as I said before, has registered its will twice. It passed the bill by a two to one vote. We cannot negative what the House has done here before, and every opportunity should be given to let the House pass on a conference report.

Some of you might ask why I refused to sign the conference report in the first instance and fought against some of its provisions. I felt that the conference report was too vague. I could not understand it. I said on the floor it was confusion worse confounded. As I read it now, I would use the language of Churchill. The conference report that came back to us in the first instance was a riddle inside an enigma wrapped in mystery. I could not understand it. That is why I refused to sign it. But the House said, "No, we are going to accept the conference report," and did.

I repeat, Mr. Speaker, this bill should be permitted to go to conference.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. As I understand, the gentleman's position is that this is a matter on which the House has passed, and that it should go to conference. I take it that the gentleman is inclined to believe that with conference action between the representatives of the two bodies legislation effective and fair can be developed and worked out.

Mr. CELLER. The gentleman expresses and reflects my views probably better than I could express them myself.

Mr. Speaker, I yield 9 minutes to the gentleman from Texas [Mr. PATMAN].

BASING POINT AND ANTIPRICE DISCRIMINATION

Mr. PATMAN. Mr. Speaker, I have never known a proposal before a legislative body to be less understood generally than this bill. Very few Members have the time to go into the work of another committee and investigate the merits and demerits of particular bills.

NOT LEGITIMATE

This bill is not a legitimate bill. We take pride in the American way of enacting laws. The American way is for a bill to be introduced and referred to a standing committee. That committee then hears testimony of witnesses on both sides. Then they take the bill up after all the testimony is in, with every Member knowing how it will affect every Member and every congressional district and every State in the Union, and every paragraph and every sentence and every phrase and every word is gone over. After that is done, the committee makes a report, and in that report it is carefully gone over to sustain the findings of the committee.

However, this bill is not in that position. This bill was conceived on the floor of the other body, an entirely new bill, a bill upon which hearings had never been conducted by any committee of either body. The United States Senate passed that bill, a very far-reaching bill, with certain amendments hastily drawn upon the floor of the other body. Then it came over here and we thought we would have an opportunity to have public hearings, but we were denied that privilege. We were denied public hearings.

JUDICIARY COMMITTEE SLAMS DOOR IN FACE OF SMALL-BUSINESS REPRESENTATIVE

A representative of a small-business group, the largest in America, came 3,000 miles from the State of California to be heard in opposition to this bill. Do you think the Committee on the Judiciary would hear him? No, they slammed the door in his face and would not let him be heard. They slammed the door in the face of every small-business group that wanted to be heard. Do you call that a legitimate bill—a bill upon which no public testimony has ever been taken—a bill which you do not know the effect of and how it will affect your districts?

AREA OF DISAGREEMENT TOO LIMITED FOR CONFEREES TO AGREE ON SATISFACTORY BILL

I am making an unusual request of you, I know, and that is to vote against sending this bill to conference. That will force public hearings upon the proposal. Then you can see how it will affect your States and your districts. There is too little disagreement between the two Houses. We know that the conferees cannot agree upon a bill which will not be in favor of monopoly and destructive of small business in this country. They cannot possibly do it. They are bound on one side by what the House did, and on the other side by what the Senate did. Knowing it is impossible to bring in a satisfactory bill, why vote to send it to conference? We voted to send it to conference once and after a conference report was agreed on, the very Members of the other body who fought for it and who favored this bill and introduced it in the other body were opposed to it and they sent it back to conference. That is not treating the House right. We ought to vote down this motion and then force consideration before a committee and have public hearings.

STEEL MILLS-CEMENT MILLS

There is a location in every district in the United States where you have water transportation for a steel mill. If the basing-point is not legalized, in other words if this does not pass, you will be able to have a steel mill. But if this passes, you will not have a steel mill. There is a place in every section in this Nation where there is iron ore for steel mills. But if this bill passes, you will possibly never have a steel mill. There is a place in practically every county in the Nation where cement can be made. But if you pass this bill, you will never have that cement plant. That is what it means. We should investigate it and look into it. The Democratic members, the majority members of the Small Business Committee, have unanimously passed a resolution, or at least are in favor of the resolution, asking the Members of the House to vote against this motion so as to compel public hearings on this proposal.

IRONICAL

It is certainly ironical that the great Committee on the Judiciary, which is trying to earn for itself the reputation of being antimonopoly, and in favor of small business, should try now to secure the enactment of a bill when no hearings of any kind whatsoever were held all during the Eighty-first Congress that is against independent and small business and in favor of monopoly.

It is ironical that they would ask for the adoption of a bill which would promote monopoly and help monopolistic steel and help monopolistic cement and help the railroads on cross hauling and help the great national chain stores. Is it not rather ironical that this committee which is trying to earn for itself the name of antimonopoly fighters should try to get a bill through like this, which would absolutely destroy the rights of small business which have been gained after decades of fighting in the Congress of the United States and in the legislatures of the 48 States. That would repeal everything which has been done. I hope the House does not become a party to such action.

PUBLIC HEARINGS—AMERICAN WAY

Since it is our American way to have public hearings on bills, and since we have not followed the American way in this instance, do you not think it is a reasonable request to ask you to vote down this motion and compel them to give us public hearings?

Here are the people who want public hearings, and were refused: The Associated Retail Bakers of America, the Congress of Industrial Organizations, the Cooperative League of the United States, the International Association of Machinists, the National Association of Retail Druggists, the National Candy Wholesalers' Association, the National Council for Petroleum Retailers, the National Farmers Union, the National Federation of Independent Business, the group that sent their man 3,000 miles to have the door slammed in his face and to be told, "No, we are not going to hear you, we do not want to hear you, and we refuse to hear you." The National Food Brokers Association, the National Grange, the United States Wholesale Grocers Association.

Every genuine small business group I know of in America is in opposition to this motion. They know it is against their interests. The Secretary of the Navy, Francis P. Matthews, testified before the Monopoly Committee last year and he was asked about this. He said:

> I come from Omaha, out in the Middle West, and we feel out there that the basing-point price program discriminates against industry in our section of the country and causes the concentration of industry in certain points.

I want to beg of you to compel public hearings on this, and I want to assure you that whenever you have public hearings and the information is brought out as to how it affects your districts and your States, I venture to say that they will not receive 10 percent of the votes. I make the prediction that if they do have public hearings, which they have refused to do, that this bill will never see the light of day again.

The opposition to this motion has 13 minutes out of the 60 minutes allowed to discuss this proposal. This is certainly an unfair division of time. It is typical of the ruthless and unfair methods used to enact legislation without public hearing that will help big steel, big cement, railroads, and national chain stores.

So I ask you to vote against this motion.

The SPEAKER. The time of the gentleman from Texas [Mr. PATMAN] has expired.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALTER].

CALL OF THE HOUSE

Mr. BATTLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER (after counting). Evidently there is no quorum present.

Mr. CELLER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 70]

Allen, La.	Chudoff	Herter
Barden	Coudert	Hoffman, Ill.
Bentsen	Davies, N. Y.	Jackson, Calif.
Boggs, Del.	Davis, Tenn.	Jonas
Brooks	Dawson	Kelley, Pa.
Buchanan	Douglas	Kirwan
Buckley, N. Y.	Eberharter	Kunkel
Bulwinkle.	Gilmer	Lyle
Byrne, N. Y.	Golden	McGrath
Cannon	Hall,	Marcantonio
Case, S. Dak.	Leonard W.	Morrison
Chatham	Hedrick	Murphy

Murray, Wis.	Regan	Smith, Ohio
O'Brien, Mich.	Sadowski	Taylor
O'Neill	Secrest	Towe
Pace	Shafer	Whitaker
Pfeifer, Joseph L.	Shelley	White, Idaho
Poage	Sikes	Worley
Redden	Simpson, Ill.	Yates
	Smathers	

The SPEAKER. On this roll call 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. VURSELL asked and was given permission to extend his remarks in the RECORD.

PRICING PRACTICES

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, in my experience in this body I have never heard more misrepresentations made about legislation nor have I ever heard of any legislation more carefully considered than this legislation now under consideration. Nearly 1,700 pages of testimony have been taken on this subject. The Capehart committee in the Senate held the most extensive hearings imaginable in the Eightieth Congress extending over many months, to which were invited everyone who could possibly have any interest in this legislation.

The gentleman from Texas has asked you to defeat this motion. He claims that there should be no conference on the bill because there were no hearings by any House committee, and that no committee had this legislation under consideration on the part of the House. I submit to you that that is the entire basis of his opposition to this motion. If that is the case, then I respectfully submit there can be no opposition to this legislation because here is a copy of the hearings held in the House last year by the Committee on the Judiciary. If you will turn to page 17 of those hearings you will find that the gentleman from Texas himself testified, not just before the subcommittee having this legislation under consideration, but before the full committee—which was a special privilege accorded to him by the committee.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. GRAHAM. And was that not done at the request of the gentleman from Texas to permit him to appear before the full committee?

Mr. WALTER. Of course it was.

Mr. Speaker, as to the misrepresentations made about this legislation, there is nothing in the bill, S. 1008, which will reinstate the multiple basing-point system of pricing. The Supreme Court in the Cement Institute decision several years ago, in 333 U. S. 683, outlawed that system of pricing. This bill does not make that system legal again. The only reason why we are here today considering this legislation is because, as the distinguished chairman of the Committee on the Judiciary so well stated, one of the Justices went just a little farther than it was necessary to go in writing the opinion. As a result of this obiter dictum, business throughout the length and breadth of the land—big and little business—did not know whether they could absorb freight in quoting prices.

That is the reason for this legislation. Subsequent to that decision a district court picked up that obiter dictum in the Rigid Steel Conduit case and cited it as the law, with the result that Senator O'MAHONEY, than whom there has been no greater champion of antitrust laws in the history of the Congress, introduced this bill which makes it amply clear that the independent, good-faith absorption of freight to meet competition is not a violation of the antitrust laws. It certainly seems to me that American business is entitled to that sort of clarification.

May I point out to you in part the effects of this decision? To do so I will turn to the report which the gentleman from Texas [Mr. PATMAN] mentioned—the report of his own committee. Here is what he reported in the early months of 1949:

> The principal deterrent to the distribution of steel, particularly in the West and Southwest was apparently the continued unwillingness of steel producers to reduce prices by absorbing freight. Even in the East the committee had evidence of complaints of small-business men that certain steel companies were refusing to absorb freight to the old customers.

Is this not a remarkable statement for the gentleman to issue in view of his insistent opposition to any form of legalized freight-absorption legislation? It would appear to identify his views with those of the steel companies which he has in the past so chastised.

I would like to call your attention to some testimony given recently before the Joint Committee on the Economic Report. This is the transcript of the gentleman from Texas. This is Mr. PATMAN speaking several weeks ago:

> Like the chairman properly brought out and correctly brought out, under existing law, since the basing-point decision in the cement case, April 26, 1948, outlawing the basing point, since that time you can still absorb the freight, Mr. Weir. The chairman agreed with me on that. So long as you do not agree and conspire with other people to fix prices. Is that correct, Mr. Chairman?
>
> The CHAIRMAN. That is right.
>
> Mr. WEIR. Of course, our counsel says we cannot absorb freight.
>
> Mr. PATMAN. You cannot have collusion and conspiracy.
>
> Mr. WEIR. Never had collusion and conspiracy.

Now, here is further testimony:

> We do not agree with Mr. PATMAN. We say the language of the Conduit case that says we may not systematically absorb freight is the troublesome thing.
>
> The CHAIRMAN. That depends on what one means by "systematically."
>
> Mr. REED. The talk about realizing different mill nets is pretty disturbing. If Mr. PATMAN thinks we have the right to absorb freight, why he objects to having it said so legislatively I do not know.
>
> The CHAIRMAN. I do not understand that either.

Mr. Speaker, I simply cannot understand the opposition of the gentleman from Texas to a bill which does no more than that which he avers so strenuously is already the law, particularly when he so often makes dark predictions that the bill will destroy the Robinson-Patman Act and restore the basing-point system. This is not the case.

The bill has unfortunately acquired the discredited term of the "basing point" bill, and that more than anything else has hindered its passage. I have already characterized this undeserved appellation as being unfair and a misnomer.

Reduced to simple terms S. 1008 merely assures to sellers that, in meeting competition in good faith in distant markets, they may absorb freight provided they do so independently and not in concert. No one has raised a valid argument against this, except those extremists who would have business run by theory and straitjacketed in a mandatory, rigid f. o. b. mill-pricing system. I do not want to believe that even the opponents of this bill are so misled as to desire such an outcome. Imagine the tremendous freight advantage which United States Steel Corp. would enjoy because of their dispersion over their competitors were f. o. b. mill pricing the rule.

So much for that. Now a few words as to the Kefauver and Carroll amendments to the bill, which I thought were neatly and fairly compromised by the conference report of last year. We all know that the purpose of the Kefauver amendment was to legislate the rule of the circuit court of appeals in the Standard Oil of Indiana case, thereby placing a limit on the efficacy of good faith meeting of competition as a full defense to a charge of price discrimination. We all know that the decision of the circuit court was recently argued in the Supreme Court on certiorari. I am expectant that the Court will reverse the lower court. When that happens, gentlemen, we shall then undoubtedly witness an odd spectacle. Then you will find that those who oppose S. 1008 today and want it killed will be the most vociferous in demand for its passage so as to implant the good-faith limitation in the law contrary to what our highest Court may have ruled. This development I shall await with interest.

Finally a word on the definition section of the bill which has given us so much difficulty. You will find in the RECORD that I supported the House version of the definition of the term "the effect may be." Had that definition been rigidly adhered to I am firmly convinced that we would not have encountered the opposition of the distinguished Senator O'MAHONEY. The House definition, endorsed as it was by the Antitrust Division of the Department of Justice, would have rejected the unfortunate rule of the Morton Salt decision, precisely its intended effect.

My time is running out. As a parting word may I impress my colleagues of the House with the nature of the motion before them. It is merely a motion to send the bill to conference, not a vote on the bill itself. There can be no valid objection to such an orderly, parliamentary procedure, for both sides of the Congress will have a final opportunity to pass on the legislation when a conference bill is arrived at.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. WALTER] has expired.

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, it has been my privilege to serve on the House Small Business Committee with the gentleman from Texas [Mr. PATMAN] ever since that committee was originally created. By and large, we have gotten along very well together in our efforts to aid small business. I think the committe has accomplished much in the way of aiding small business. But I cannot agree with him on the position he takes on this particular matter. He would have you believe that this legislation, if adopted, will adversely affect small business. I say just the exact opposite of that is really the truth of the matter.

If I can understand the gentleman from Texas [Mr. PATMAN] correctly, he is against freight absorption and the quoting of delivered prices. I have been listening to these arguments, pro and con, that have been going on, for some time. And as I have listened to Members express their views, I do not think there are many more than 50 Members out of the 435 who stand with the gentleman from Texas on that particular issue. Undoubtedly some do not understand what the issue here really is.

It is sought to be established that there is something sinister in this proposal which seeks to destroy certain of the antitrust laws, like the Robinson-Patman Act, or the Clayton Act. There again I cannot agree, because I do not believe there is any such effect in this legislation.

Beyond that, as the gentleman from Pennsylvania [Mr. WALTER] has just pointed out, this legislation as it is now shaping up, as I understand it, has been cleared by the Department of Justice, and they find nothing in it, as they have suggested it should finally be drawn, that would be in conflict with any anti-trust statute now on the books.

What is the real issue here? It has to do with the right of manufacturers to quote delivered prices and to absorb freight. The gentleman from New York [Mr. CELLER], in his very able manner, has pointed out that the question arises not because of any decision of an issue by the court, but rather because of what we lawyers call dicta, the gratuitous comments thrown in the opinion, which in this case have raised great questions in the minds of people doing business, large and small, clear across the land, as to what they can and cannot do. The matter of freight absorption and the quoting of delivered prices is ingrained in our whole economy. There are small businesses all over this land that cannot continue to exist and do business if such a procedure as that cannot be followed. And finally and fundamentally, what is wrong about it? I do not think anyone can successfully contend that there is anything wrong essentially with freight absorption and delivered prices.

What is the particular issue here? It is, Shall this measure which was adopted by the House go to conference? Let us recount the history. When the legislation was first before us it passed on a voice vote, not a record vote. It went to conference; the conferees reported back; and after a rather vigorous contention against it, headed by the gentleman from Texas, the conference report was adopted by a vote of 200 to 104 here in the House, we acting first. Then it went to the Senate. I believe it is fair to say that there the Department of Justice raised some questions about the conference action in regard to section 4 (d), the Justice Department maintaining, and I think properly, that the language that the House had written in section 4 (d) should be included in the bill. Therefore, without the other body's ever acting on the conference report, the proponents of the legislation acting on the Justice Department suggestion, decided to send this back to conference in order that it might be brought in line with what the Department of Justice believed and what the proponents of the bill believed, and what even some opponents of the bill argued should be in the legislatition. So we are down to this very simple practical situation.

Why all this talk about not sending this bill back to conference? There have been many hearings before different committees. The gentleman from Texas has belabored us in the CONGRESSIONAL RECORD and in speeches on the floor day after day after day; we have all listened to them. We have heard all the arguments pro and con. Let us get this matter acted on; let us bring some certainty into the method of operation in respect to delivered prices and get on with something else.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CELLER. Mr. Speaker, I yield such time as he may desire to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, in the previous debates on the floor of this House on S. 1008 I clearly enunciated my position on two points. First, I said that I was not opposed to a seller, acting independently, to quote or sell his commodities at delivered prices or absorb freight. In fact, I do not believe that this practice was made illegal by the Supreme Court of the United States in the Cement Institute case. Second, I announced without reservation that I was opposed to any legislation which would have the effect, directly or indirectly, of emasculating the Robinson-Patman Act.

It follows that if legislation were presented in a separate package to carry out the first point and without damaging in any way our antitrust laws, I would support it. But the trouble with S. 1008 is that it wraps up in a single package an alleged legalization of selling at delivered price and absorbing freight with the defeat of the purposes of the Robinson-Patman law and weakens the rule of evidence in cases involving violation of our antitrust laws. This double-barrel approach of S. 1008 is the cause of the confusion in which we now find ourselves.

I was a member of the conference committee on the part of the House that considered S. 1008. We tried to iron out and resolve the differences between the views of this House and the other body. We failed to reach a common and unanimous ground of understanding. Without violating what transpired in the executive sessions of our conferences, I can say that we were advised by the Parliamentarians that the area of our discussions is so limited that I do not believe any good purpose would be served by sending the bill back to conference. I am, therefore, opposed to the motion presented by the distinguished chairman of my committee, the Honorable EMANUEL CELLER, of New York, which has for its purpose the sending back of this bill to conference. I believe separate legislation should be offered with a view of legalizing the practice of selling at delivered prices and absorbing freight if, after public hearing, such legislation should be found necessary.

Mr. CELLER. Mr. Speaker, I yield such time as he may desire to the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Speaker, it is regretted that ample time has not been authorized for the consideration of the pending measure. I am opposed to sending the bill to conference, under the circumstances, and shall vote against the proposal. There are many arguments which can be advanced against some of the contentions that have been advanced here today regarding this measure. The question before the House is whether S. 1008 is to be returned to conference. Let me state briefly the reasons why I feel this bill should not go to conference, but rather why action on this type of legislation should be held up for full and complete public hearings:

First. Not within the memory of some of the oldest Members of the House has there been so much confusion over one piece of legislation as over the charges and countercharges swirling around S. 1008. Many Members actually do not understand the full meaning and implications of this bill. This is quite understandable.

Second. The bald fact is that no public hearings have been held on this measure, either before the Senate or the House Judiciary Committees. There were short executive hearings but not public hearings on this particular bill.

Third. S. 1008 is no ordinary bill. On the contrary, it is one of the most vital and controversial measures ever to come before the Congress. From my own point of view, it is a bill which would allow the big steel companies—as well as other big companies—to fix their prices, stifle competition, and ultimately add millions of dollars annually to the prices of commodities that the every-day American consumer buys.

Fourth. I am interested here in a principle of far greater importance than S. 1008. That is the principle of passing important legislation without full and public committee hearings. I think that this principle far transcends the merits or demerits of S. 1008. I think, too, that this principle can be used as a common meeting ground for all of us, whether we are for the bill or against it. I say meeting ground in this connection because on this one issue—on the issue of passing on

legislation without full and public committee hearings—there can be little controversy. In this case, there can be no argument on the facts involved in the principle.

Fifth. To send this bill to conference would be putting the cart before the horse.

Inherent in the relationship before us and our constituents is the obligation to read, study, check, and recheck every important bill that comes to us for consideration. We frequently arrive at individual conclusions on particular legislation by reading the testimony of witnesses who have appeared before the various committees of Congress. In other cases, we rely on the judgment of committee members who have cross-examined witnesses on both sides of the question before their committees and who have become specialists in particular fields by concentrated study of specific issues.

Unless public hearings are held on vital matters, committee members would find themselves in the position of arriving at conclusions in a vacuum. Even committee members who disagree with the positions of certain witnesses always make sure that these very same witnesses have an ample opportunity of expressing their views in public. This is the historically American way of arriving at conclusions.

Here we are, then, on the eve of being asked to process legislation on which no public and adequate hearings have ever been held by either House or Senate Judiciary Committees. I do not think the membership should tolerate such legislative practice. Nor do I think we will tolerate for long the bold attempt of high-paid propagandists to insulate the Congress against the facts in this case by shutting off public hearings.

Sixth. The original S. 1008 was merely a moratorium measure, entirely different from the present S. 1008, both in purpose and in text.

S. 1008 is designed as permanent legislation. It will not be a temporary law affecting the lives and economy of a few people for a brief period. It will affect the economy for years to come. Its passage would be a relaxing of our antitrust statutes.

Seventh. This bill is, in fact, a sharp departure from our previous efforts to tighten up the monopoly laws. We should strengthen our antimonopoly laws rather than weaken them.

Eighth. Almost 2 years have elapsed since the Supreme Court outlawed the basing-point pricing system in the Cement case.

Despite widespread predictions of violent dislocation of our economy, the removal of plants and the shutting down of factories as a result of the decision, nothing of the sort has happened. On the contrary, new plants have sprung up in various sections of the country. On the other hand, quick passage of this measure, without the benefit of complete public hearings, could conceivably work great hardships on all segments of the economy of our country. We have, in short, everything to lose and nothing to gain by sending this bill to conference rather than to the House Judiciary Committee for proper and adequate consideration.

Ninth. A majority of the members of the Select Committee on Small Business of the House of Representatives have endorsed a resolution urging the House to vote down the motion to send S. 1008 to conference. This action is prompted by the appeals of many small-business men throughout the country. This resolution has been urged by representatives of farm organizations and businessmen, many bona fide small-business organizations, men thoroughly acquainted with the details of this bill and its impact on the economy.

The endorsement of these businessmen and their representatives, reflecting the attitude of millions of American citizens, should in themselves constitute a warning against hasty action. Let us vote down this proposal for hasty action on this important measure.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the time of debate on this motion to send the bill back to conference be extended for 10 minutes.

Mr. FULTON. Mr. Speaker, reserving the right to object, may I have a minute of the additional time if it is granted?

Mr. CELLER. Mr. Speaker, I amend my request and ask unanimous consent that the time be extended for 11 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, I have heard the statement made that there were only 50 opposed to sending it back to conference. Is that true?

Mr. CELLER. I have no way of knowing.

Mr. PATMAN. Mr. Speaker, reserving the right to object, the opponents of the bill——

Mr. KEEFE. Mr. Speaker, I object.

Mr. MICHENER. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. KILBURN].

Mr. KILBURN. Mr. Speaker, the sole question before the House is whether S. 1008 shall be sent to conference. In view of the overwhelming adoption by the House last year of the original conference report, I can see no reasonable objection on the part of this body in sending it to conference again.

Much harm has been done to this useful and necessary legislation by constant reference to it as a "basing-point bill." It is no more a basing-point bill than the FEPC bill, and any charge made that it would reinstate the basing-point system is without foundation. Actually the bill simply endeavors to clarify the rights of sellers to absorb freight and to sell at uniform delivered prices in the absence of conspiracy.

These rights should be clarified because of conflicting opinions given by the Federal Trade Commission and the courts. It seems to me the intent of the Congress over the years has been perfectly clear and I feel that the recent Supreme Court decision did not conform with our intent. The matter needs to be straightened out and our conference committee did a good job last year. They should be allowed to complete the job so that the Congress can pass legislation to correct what I consider was a bad decision by the Supreme Court.

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. Speaker, as one of the conferees and as one who has been a member of the Judiciary Commitee and the subcommitee considering this bill, I urge that the House vote to sent this bill again to conference.

As I said before, in the course of previous discussions on this bill, we attempted, as it now seems unwisely, to do two things when the bill first came before the House. First, to do something which almost everyone agrees should be done, namely, clarify the law in reference to delivered price systems, and, two, to change the law, as it had been announced in a lower court case, with respect to the defense of good faith in meeting competition against a charge of violation of the Robinson-Patman Act.

I agreed with the previous bill in both respects, but I am now clearly of the opinion it was a mistake to attempt to do the two things in one bite.

The matter went to conference. Your conferees attempted to take out the second effect of the bill. The House accepted the conference report and the Senate rejected it and it comes back with the request for another conference.

I urge everyone who feels that we should deal with this problem, everyone who does not think that noncollusive delivered pricing should be outlawed per se, to vote to accede to the request of the other body at this time so that we may accomplish the first and major purpose of this legislation which I am convinced is very badly needed.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. CASE of New Jersey. I yield to the gentleman from New York.

Mr. KEATING. Does it appear to the gentleman that the issue here does not involve the merits of this controversy at all, but, rather, involves whether we shall follow orderly procedure and the regular democratic process by permitting this matter to go to a final determination by the conferees, then come back here for such action as the House may see fit to take?

Mr. CASE of New Jersey. I agree with the gentleman. It seems to be that unless we accede to the request of the other body we are in effect saying that no legislation may be enacted. I think that would be an act of the highest discourtesy to the other body as well as contrary to all precedents established in the past.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. CASE of New Jersey. I yield to the gentleman from Tennessee.

Mr. EVINS. The gentleman is a member of the conference. He will recall that the House adopted an amendment by a substantial vote, the Senate adopted an amendment by a substantial vote, yet the conferees when they met struck out both of the amendments and disregarded the action of both houses.

Mr. CASE of New Jersey. I do not agree to that at all. I did not rise to discuss the merits of the bill. But as long as the gentleman has raised the

question, may I say the conferees did not use the language of either amendment. They attempted, I thought successfully, to provide language which would meet the substantive intent of both amendments.

Mr. EVINS. Will the gentleman not also admit a concern acting independently can absorb freight without violating the law?

Mr. CASE of New Jersey. I think it is possible the courts might hold that the noncollusive delivered pricing is lawful under the statutes as they now stand. But the confusion which exists because of dicta contained in court decisions makes it desirable, in fact, I think, essential, for us to pass clarifying legislation.

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I come from a great industrial district. The county in which I live is the third largest industrial county in Pennsylvania and it is the seventh in the Union. Oddly enough the great big manufacturers in my district are not the ones who are urging that this measure be sent back to conference. It is the small manufacturers in my district who have made this request. I was a member of subcommittee No. 1. I heard the men testify. I heard Senator O'MAHONEY and Mr. Bergson of the Department of Justice. I was present when the gentleman from Texas [Mr. PATMAN] appeared before our committee and stated his case.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Pennsylvania.

Mr. FULTON. Is it not true that Mr. Fairless, president of United States Steel Corp., at the hearings before the committee, said that the basing-point dispute was of little concern to the United States Steel Co. because they had their plants strategically and geographically located?

Mr. GRAHAM. That is correct.

Mr. FULTON. So that it is really the small-business man that will be hurt more by reason of being in a Balkanized area where he cannot compete with a geographical area.

Mr. GRAHAM. That is correct.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Michigan.

Mr. CRAWFORD. May I carry this a little further? Suppose a small steel company located in the city of Lansing, Mich., wishes to sell its product in the Birmingham district, which is a steel center. Would not this bill, in the form in which it has been passed up to date, protect the Lansing firm and enable it to do business outside of the immediate Lansing area? Is not that the purpose of the bill in its present form?

Mr. GRAHAM. That is right, if done in good faith and no collusion. But, you must keep in mind now the amendment suggested by the Attorney General which is sought to be incorporated in this legislation, if it goes to conference.

Mr. CRAWFORD. Would the gentleman tell us what that amendment is?

Mr. GRAHAM. I will read it. "The term 'the effect may be' shall mean that there is reasonable probability of the specified effect." That is the language of the Attorney General.

Mr. CRAWFORD. In other words, if that amendment goes in it does make it legal, in the absence of collusion, for the Lansing, Mich., firm to stay in business and survive.

Mr. GRAHAM. That is correct.

Mr. CRAWFORD. Now let us go another step forward. The United States Steel Corp., for instance, has plants in Pittsburgh, Pa., Pueblo, Colo., Birmingham, Ala., and Cleveland, Ohio, and so on down the line; so, with its plants scattered it is in a position to hold the trade and to pick up the trade which the Lansing firm would necessarily lose.

Mr. GRAHAM. That is right.

Mr. CRAWFORD. That is, if it could not do business in the Birmingham area.

Mr. GRAHAM. That is correct, and that is the purpose of this amendment, to protect the small man.

Mr. CRAWFORD. So that in the absence of legislation of this type, it leaves the field wide open to the alleged monopoly of United States Steel and the other Big Four, while the bill, if it becomes law, is in the interest of the small operator throughout the United States.

Mr. GRAHAM. That is our contention.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MICHENER. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker, I favor this legislation. This bill, by all means, should go to conference for further clarification.

Let us take the clothes off "old lady basing point" in the basic steel industry, and see what the bare issue is.

Is it monopoly as the gentleman from the western prairies claim? I think not, because it is the smallest producers of steel who are hurt first, and the hardest, by straight f. o. b. mill prices.

Is it price as the opponents claim? I think not, as there is under the basing-point system of steel pricing a base price for each steel product in each locality where it is produced.

Then what is the issue?

Any selfish interests in the West trying—by the force of Government action—to compel the exploitation of uneconomic resources that have been paying no return to their owners for decades?

Is the basing-point cry a smoke screen behind which selfish interests from outlying regions of the country are attempting to rape the great steel centers of America?

I come from Pittsburgh—a district that produces one-fourth of our Nation's steel, and that makes more steel ingots than all of Soviet Russia. We are against monopoly, and we are for fair prices for the consumers of steel.

But we will not stand idly by while these issues are being misrepresented by selfish interests in other regions of the Nation. We will not let the great steel plants of Pittsburgh be denuded by false theories on how steel prices are arrived at.

Under the basing-point system America has become the world leader in steel production. Pittsburgh has produced this country successfully through two wars, and contributed to the highest standard of living yet achieved by any society.

We will not allow the defamers of the basing-point system to produce a multitude of ghost steel towns in the capital of the steel industry.

We are for the wise adjustments worked out by the Federal Trade Commission in the pricing of steel.

We from Pittsburgh will not permit selfish interests from other regions to decimate our steel plants, create ghost towns along our rivers, throw thousands of working population into unemployment and poverty.

Probably no bill before the Eighty-first Congress will have such a deep effect on the economy of this Nation than the measure to permit a moratorium on the Supreme Court decisions affecting the basing-point system. We owe it to the steel industry, and to the people who derive their livelihood from the steel industry, to reinstate the basing-point system before our economy suffers an irreparable blow. If the steel industry is forced to an f. o. b. mill pricing system as a permanent way of doing business, chaos will arise with a return to a buyers' market in steel. How much simpler and more efficient to have a price which averages out all freight charges so that distant purchasers are not put to a disadvantage in competing with manufacturers close to the mill. How much fairer to the people of the Pittsburgh area whose livelihoods are tied directly and indirectly to the steel industry. Winston Churchill said, "England must export or die." And I say for Pittsburgh, "We must sell our surplus steel beyond Pittsburgh or we will have man-made depression in our midst." The capricious Supreme Court decisions regarding the basing-point system are an unprecedented and thoughtless action which much be revoked before they stunt our economic health. It is up to us to undo the damage.

Mr. MICHENER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, I can discuss this measure in these 3 minutes without any animus or animosity toward any Member of this body, because I have no personal interest in it, and I am interested only in the effect of this measure on small business, and on the consumer.

Here is the gist of the bill:

It shall not be an unfair method of competition or an unfair or deceptive act or practice for a seller, acting independently, to quote or sell at delivered prices or to absorb freight: *Provided*, That this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppresive, deceptive, or fraudulent practice, carried out by or involving the use of delivered prices or freight absorption.

At this time in this country we have from four to five million men and women

out of employment. The one way to give them employment is to keep manufacturing concerns in operation.

There is a cement plant in my city of Knoxville. It is busy all the time. There is heavy construction work going on at all times in that section of the country. As a result of this Supreme Court dicta, which makes it appear that to absorb freight renders the person absorbing it subject to criminal prosecution in the Federal court, as the result of that opinion and that apprehension on the part of the manufacturers of cement, there were times in my district, which always has a shortage of cement, when you absolutely could not buy it.

This bill is for the benefit of the manufacturers of the necessities of life, it is for the benefit of the consumers, it is for the benefit of the men who work in industry, and by all means it should go to conference.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I refuse to yield. I am like a mummy, I am pressed for time.

We should send this bill back to conference and enact it into law. This will take the handcuffs off industry. Keep our mills and industrial plants at work. By so doing we will enable our people to buy the products of our industry at prices they can afford to pay. This measure gives our small industrial plants a market for their products anywhere in the land. This measure gives small business a purchasing power and a selling market that would otherwise be beyond its reach. To kill this measure is to play into the hands of big business.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. TACKETT].

Mr. TACKETT. Mr. Speaker, I sincerely hesitate and deeply regret to oppose my friend, neighbor, and colleague, the gentleman from Texas [Mr. PATMAN] upon this particular piece of legislation. My congressional district of Arkansas joins his congressional district in Texas. However, as a member of the Judiciary Committee and after studying the basing-point proposal, I feel it my duty to strenuously insist upon the adoption of this legislation for the general welfare of the entire country, and especially that area in which the gentleman from Texas [Mr. PATMAN] and I reside.

In the Cement case before mentioned by various Members while explaining this legislation, the Supreme Court indicated when speaking outside the involvements that no business could absorb freight when pricing a commodity for sale. In other words, the Supreme Court decision went beyond the involved subject matter of the Cement case and merely threw in a hint—which is known in the legal profession as obiter dictum—that should the Supreme Court be called upon to decide the legality of permitting freight absorption pricing, that the Court would possibly decide such action illegal, even should the practice be carried on by individual businesses without substantially lessening competition and lacking in conspiracy or collusion with other businesses.

The basing point legislation now before us merely permits freight absorption pricing by individual businesses that will not substantially lessen competition; and the bill specifically prohibits any conspiracy or collusive agreements between businesses for the purpose of lessening competition.

Should the recent Supreme Court dictum aforementioned become a reality, a small business in Arkansas, or elsewhere throughout the country, would be greatly jeopardized without the passage of this legislation.

It is true that a great number of small businesses have been led to believe that the legislation under consideration is detrimental to their interests. Such small businesses have been misled by being denied the opportunity to know the facts and by merely being told that the legislation would jeopardize small businesses. The misled small-business people are sincere in believing that this bill is detrimental to small businesses; however, the very opposite effect would be the true case.

Should the Supreme Court dictum become the law, without the passage of this legislation, small businesses throughout the country would be selling the same commodities at different prices to the detriment of their businesses and customers. Gasoline would be cheaper at the refinery than elsewhere; soap would be cheaper at the place manufactured than elsewhere; cigarettes would sell higher in my district because of the tobacco companies not being allowed to absorb the freight rates when pricing the commodity than in Salem, N. C., for instance, the manufacturing point for considerable tobacco interests.

The legislative proposal before us intends to foreclose the possibility of the Supreme Court dictum becoming a reality so as to continue the present business practices with reference to permitting freight-absorption pricing. Under the present system of freight-absorption pricing, a manufacturer of a commodity takes into consdieration all the freight that would be charged in distributing the commodity and then adds this to the price of the commodity in order that he may sell his product anywhere in the country for the same price. For instance, the American Tobacco Co. may have a million packages of cigarettes to sell within the United States. The company ascertains all the freight that would necessarily need be charged in distributing the cigarettes throughout the United States. The total freight bill is added to the total cost of the million packages of cigarettes when determining the price of each package so as to allow a person in California to pay the same price for a package of cigarettes—State taxes not being involved—as a person in Maine would pay for the same package of cigarettes.

Especially many of the drug-store people throughout the country have been led to believe that this basing-point legislation is detrimental to their businesses. Most of you have heard from the drug-store people. Actually, without the passage of this legislation, should the Supreme Court dictum prevail, there are no businesses in this country that would be hurt worse than the drug stores. These stores in my district would necessarily need pay for and sell every commodity not manufactured in my district at the normal price of the commodity plus the exact freight required to get the commodity to the stores within my district; while the people within the town where some particular drug-store commodity is manufactured would purchase the article for its normal cost, with no freight involved. It is difficult for me to know how the opponents of this legislation could have the nerve to tell the drug-store people that this basing point legislation is detrimental to their businesses. Should the Supreme Court actually rule against freight absorption pricing and this legislation be defeated, prices of every drug-store commodity in my district would necessarily rise in an amount sufficient to pay the exact freight upon each drug-store article.

The opponents to this legislation contend that its passage will create monopolies, while in truth the opposite effect is correct. The adoption of this proposal assures businesses an opportunity to compete outside their own local surroundings; and therefore prohibits a business from having a monopoly within its respective area. Surely it will not be contended that small businesses in Arkansas, where little manufacturing is carried on, should pay more for a commodity because of freight rates than the industrialized East. Of course, a manufacturer within my district of Arkansas competing with the industrialized East. without the basing-point bill, should the Supreme Court dictum prevail, would have a monopoly on a great area without and about Arkansas. That is the very purpose of the opposition to this legislation. Naturally, I would like to see Arkansas an industrialized State, and the Supreme Court dictum would assist in bringing into existence that very thing if we had equalized freight rates in the South; but so long as we have the discriminatory freight rates the small businesses of our section will be penalized by the Supreme Court dictum. Factories in Arkansas cannot compete with the factories in the East because of these discriminatory freight rates. Once we get an equalized freight rate, then I will support legislation to repeal the basing-point legislation; but during this interim, I shall not penalize the people of our State with the Supreme Court dictum.

Let us suppose that we have no soap factory in Arkansas and that it is necessary for small businesses to buy soap for resale from St. Louis. Unless the St. Louis manufacturer be allowed to absorb the freight charges when pricing the soap, the housewife in St. Louis would pay less for a bar of soap than the housewife in Arkansas. Under the provisions of the basing-point bill, by the company being allowed to absorb freight charges, the same bar of soap would sell anywhere in the United States for the same price. Should I have a manufacturing unit within my district such as a cement plant or a steel mill of some kind, naturally without the enaction of this law I would have a complete monopoly upon the cement and steel businesses within an area of several States about me. The inability of my competitor to absorb

freight charges would preclude him as a competitor. We cannot afford to penalize the welfare of our people to assist some person who happens to have the chance of a monopoly.

Some of the Members will possibly remember that immediately following the Supreme Court decision in the Cement case many of the manufacturers decided it wise to look upon the Supreme Court dictum as the law. They curtailed their operations to a restricted territory. The price of cement went up because the various plants had no competition within their respective areas. They could raise the price of cement a considerable amount and still sell the commodity cheaper than an outside competitor who would necessarily need charge the exact freight rate upon the commodity in addition to the normal price for the cement. The Supreme Court dictum will curtail business operations and promote sectional monopolies to the detriment of the consumers.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. WHITE of Idaho. Would you apply this same principle to farms and farm prices?

Mr. TACKETT. I do not see where that has anything to do with the controversy at hand. Perishable rather than basic commodities could be involved in farm products. I believe freight should be absorbed in order to give all consumers an equal opportunity rather than favor those in the vicinity from whence the commodities are shipped.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. TACKETT. I yield.

Mr. FULTON. We in Pittsburgh want to trade with your people and buy your products, too.

Mr. TACKETT. I am certainly in accord with your idea, which can only be accomplished by the passage of this legislation.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. MICHENER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, the remarkable thing about this bill is that the big industries are completely complacent about it. The people I have been hearing from are the little fellows who have been saying to me, "We will not be able to sell our products down in Arkansas and will just have to limit ourselves to Pennsylvania, Ohio, and West Virginia. We want the bill passed to protect us and prevent limitation of our selling territory."

Our Pennsylvania businessmen want to be able to sell to the people in Arkansas and Oklahoma at the same price that we sell them in Pennsylvania. We in Pennsylvania will buy the products of California and Florida and these Midwestern States. We want to pay the same price for your products, too.

In the district of my colleague the gentleman from Pennsylvania [Mr. KEARNS] there is a fine, aggressive small business called the Sharon Tube Co. The man who is president of that company, Mr. Don Sawhill, is a good friend of both Congressman KEARNS and myself. Mr. Sawhill has said that because his is a small company it will needlesly restrict him to an area about several hundred square miles in area within which he can sell tube products. This would give him probably a monopoly in his geographical area, but he wisely prefers a large market and adequate competition.

If we in the North will restrict ourselves solely to our sections of the country in carrying on business, we will Balkanize this country into small trade areas governed by small, tight monopolies.

I want to see the housewife in Washington and Oregon and down in the Southwest and in New Mexico get her pots and pans at just the same price that the Pittsburgh housewife gets hers. This bill should be sent to conference today and promptly passed.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MICHENER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, in considering this very important legislation, it seems to me we have overlooked one very important thing. How about the man who works in a plant in a certain town in the United States? How about the man who owns his home in this community and has reared his family there and wants to take part in the community progress life of that community, for years and years to come? Yet the Congress of the United States may come along and say that that man has no right as a citizen to have his job in that particular community because we deem it wise, through legislation which we pass, that he move to another community and get a position in a like field some place else. Thus, he is forced to rebuild his and his family's entire future. That is really a bad situation. No one is fearful here of laws that will be for the good of everyone. Yet, I cannot understand how men engaged in the field of endeavor, and enrolled in one of our great unions could possibly let this very situation happen here in the United States.

Now, that is a bad situation.

There ought not be any fundamental uncertainty about what the law requires in any field, but especially not in a field so important to the basic economic life of this great Nation.

Therefore, it is the duty of Congress, as I see it, to clarify all existing uncertainties on this matter.

Let us declare a policy.

Let us not send this bill back to committee to die there.

Let us send this legislation along to conference and get a bill that we can act upon.

Let us end all uncertainty on this whole delivered-price question.

Mr. MICHENER. Mr. Speaker, I yield such time as he may require to the gentleman from Illinois [Mr. VELDE].

Mr. VELDE. Mr. Speaker, I favor this legislation and I urge that it be sent back to conference.

I ask unanimous consent to revise and extend my remarks at this point, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, I favor this legislation and urge that it be sent back to conference immediately. While I do not care to go into the legal aspects of the Federal Trade Commission's decision or the Supreme Court cases which have made this clarifying bill necessary, I do want to mention the uncertainty and confusion under which businesses of all kinds are operating at the present time due to the obiter dicta in the Cement case.

After having read these cases thoroughly I am convinced that the term "conscious parallel pricing" which has been mentioned before this distinguished body so many times has caused more trouble and confusion among lawyers and businessmen than the Federal Trade Commission's decision itself. It further has given the opponents of this present legislation, S. 1008, an opportunity to attach themselves to a few small groups of businessmen with the purpose in mind of causing further confusion. The opponents of this legislation, if speaking frankly, would necessarily have to admit that legislation is necessary to clarify the obiter dicta in these Supreme Court cases, if for no other reason.

This basing-point bill has had ample consideration by both the Senate and House Judiciary Committees. These two bodies, composed almost entirely of capable lawyers, have recognized the need for clarification of the law concerning delivered-pricing systems. Both committees have voted unanimously for legislation to carry out this purpose. It seems to me, therefore, that Members of the House of both major parties, whether they be lawyers, businessmen, farmers, or other professional men, should give these committee deliberations and votes a great deal of attention and consideration.

The overwhelming opinion of businessmen of my district, both large and small, is in favor of S. 1008. My constituents demand that clarification of the issue of delivered-pricing systems be made by Congress immediately. This matter has been pending now for more than 2 years and certainly should be decided before Congress adjourns this summer. If the matter remains unclarified for any further period of time, it may well be that businessmen will become so confused and uncertain as to methods of pricing that serious unemployment may be caused. Business just will not continue in operation if it is fearful of every move or uncertain as to the outcome of its placing definite prices on the goods which it sells.

For the sake of the prosperity and general healthy economic condition of the American people, I therefore urge my colleagues in the House of Representatives to vote for the return of this bill into conference and for immediate enactment into law.

Mr. MICHENER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this is a procedural matter entirely. If we follow the usual practice in Congress, we must send this bill to

conference. Do not lose sight of the fact that the House passed S. 1008, in the first instance, by an overwhelming vote. Second, that the House also adopted the conference report by an overwhelming vote notwithstanding the protests of the gentleman from Texas [Mr. PATMAN]. Nothing new has been said today. The Senate has twice passed on this bill, just the same as has the House. So, about the only thing before the House is: Shall we send the conference report, which the Senate amended, to conference to see if there is any way that we can compose the differences between the two bodies.

The Congress should be permitted to work its will. If and when the House has demonstrated thoroughly that it desires to legislate on a given subject, opportunity should be provided for a final expression. There is no question but that the House has spoken at least twice. There is no question but that the Senate has spoken at least twice on the fundamental question. I do not know how I am going to vote when the conference report comes back. I may vote against the conference report. It all depends upon the way that report reads. Remember, there will be debate when the conference report comes back.

As far as the Robinson-Patman Act is concerned, I helped pass that law. The gentleman from Texas [Mr. PATMAN] will agree. I favor that law. I would not have voted for S. 1008 if, in my opinion, it destroyed that law. I will not vote for the conference report if I believe it will destroy that law. Forget the Robinson-Patman Act and I do not believe there is any serious objection to S. 1008. As for the argument made by the gentleman from Texas [Mr. PATMAN] that there have been no hearings, I think that argument has been fully answered. I know there were hearings. I was not a member of the subcommittee that considered this bill, but when public hearings were announced I attended as a spectator, not as a member of the committee. I heard Senator O'MAHONEY testify. I heard the representative from the Department of Justice and others testify. At this late stage it is claimed there have been no hearings. As explained by the gentleman from Pennsylvania [Mr. WALTER], there have been hearings.

Just an observation about the practice of committee hearings. The Ways and Means Committee of the House has been considering a tax bill for weeks. When it concludes its consideration it will bring in a new bill based on these hearings. The new bill is what we will consider. Someone may stand up here, like the gentleman from Texas has in this case, and say: "I am opposed to this. There has been no hearing on this particular bill." Well, that will be true. The committee on monopoly study of the Judiciary Committee will eventually undoubtedly bring in some bill, but there will not be long and extensive hearings on the individual bills which are based upon the study and hearings which have been given to the subject; that is, the bill in its final form will be the result of extensive hearings. S. 1008 was the result of prolonged hearings in the Senate. Big business, little business, and all the rest were heard.

Mr. Speaker, this is not the time to discuss the merits of S. 1008, which has been thoroughly debated in the House on at least two occasions. As to the objective of the bill, I quote from the remarks of the Senator from Virginia, Mr. ROBERTSON. In the debate on sending this bill to conference, he said:

> The only purpose of this measure was to restore what had been accepted as a normal and necessary means of doing business, without any intention at all of weakening the antitrust laws or of violating any part of the Robinson-Patman Act.

The Senator from Louisiana, Mr. LONG, who is opposed to the bill, stated the essence of the opposition as follows:

> The question is, if the discrimination in favor of a large concern is made in good faith, should that be a defense, under the Robinson-Patman Act, against the charge of unfair price discrimination?

In conclusion, let us not forget that the vote we cast here today is not a vote for or against S. 1008. It is only a vote to permit the House and the Senate to indulge in further conference to the end that satisfactory language may be agreed upon by the conferees. If this happens, the conferees must report their handiwork back to the House. Then we will all be permitted to vote for or against the bill in its final form. What is wrong about that? I realize there is difference of opinion among our Members. There is no use in getting excited or angry. Honest disagreement in the drafting of legislation is most helpful. If we are sincere, we can disagree without being disagreeable. I impugn no one's motives and I believe a majority of the House today, as on another occasion, will follow the letter and the intent of the rules and send this bill back to conference.

Mr. CELLER. Mr. Speaker, I yield the balance of my time, which I understand is 4 minutes, to the gentleman from Louisiana [Mr. BOGGS].

Mr. CARROLL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARROLL. The procedure under this bill, S. 1008, is so complicated that it would be very helpful at least to me and to some Members of the House with whom I have spoken, if we could have some understanding of the legislative situation. I am informed—and I should like to have the comment of the Speaker if he cares to comment—that this bill came to us from the Senate; that this body incorporated certain amendments, that the bill then went to conference, and that the other body rejected the conference report. The question I now propound is whether or not if the bill again goes to conference we are back in the situation we were some months ago where the House inserted certain amendments to S. 1008?

The SPEAKER. The conferees would have the same power they had before in considering matters in disagreement.

Mr. CARROLL. But my doubt arises on the subject matter on which they will be working, Mr. Speaker.

The SPEAKER. The Chair cannot anticipate what the conferees may do.

Mr. CARROLL. Perhaps, if I may be permitted another question, I can make myself clear: As I recall the RECORD, on July 7 last, the House passed certain amendments; I am wondering if those amendments are the amendments which the conferees, if this bill goes to conference, will work their will upon.

The SPEAKER. The conferees could work their will on any matter in disagreement.

Mr. CARROLL. I thank the Speaker.

The SPEAKER. The gentleman from Louisiana [Mr. BOGGS] is recognized for 4 minutes.

Mr. BOGGS of Louisiana. Mr. Speaker, the RECORD will show that the opposition to this bill has had about 11 or 12 minutes out of the hour, but this record is consistent with the history which has been established throughout this legislation. This has been a bold attempt to enact into a law a proposition of vital importance to every person in this country without permitting adequate hearings so that the Members of Congress may understand the issues involved.

The gentleman from Pennsylvania has referred to the so-called hearings held when this legislation was originally before the committee. Actually, if you will take the trouble to examine these alleged hearings, you will find that they are 35 pages in length, which would normally be about half an hour before a committee; and most of them are devoted to the proposition of the gentleman from Texas asking that the matter be given full and adequate hearings.

It is perfectly understandable to me, Mr. Speaker, why the gentleman from Indiana, the gentleman from Pennsylvania, and gentlemen from certain other areas where there presently are large concentrations of heavy industry should be so violently interested in passing this legislation without hearings. The excuse which they give, of course, is a fantastic one; they say that this legislation is required to clear up some obiter dicta of the Supreme Court decision. I venture to say that a large percentage of the Members of this body are lawyers. I believe they understand what obiter dicta means. It means "beyond the decision of the court." It has no effect, it has no meaning, and it has no significance.

No; that is not the reason. The reasons for the passage of this legislation are: First, to remove the existing provisions of the Robinson-Patman Act which state that good faith shall only be used as evidence when an unfair competitive practice has been found. They propose to substitute for this existing rule of evidence a substantive provision of law making good faith an absolute defense. The effect would be an annulment of the Robinson-Patman Act.

The second reason, and I direct my remarks to every Member of this body from New England, from the South, and the West, is that this is an effort to maintain the present geographic structure of heavy industry in this country. Let me given you a startling illustration of what I mean.

Birmingham, Ala., is the most natural, the most logical place in this country for the production of steel because there we have an outcropping in the same place of iron ore, limestone, coal, and coke. In Birmingham, Ala., paying equal if not higher wages than Pittsburgh, steel can be produced at much less cost than elsewhere. The transportation rates from Birmingham by rail, not by water which certainly should be calculated in the consideration of this bill, are as much as 100 percent less than the transportation rates from Pittsburgh or from Gary to points in the South. Yet the Birmingham mill supplies only a small part of the demand of the South. This bill makes it impossible for the Birmingham area ever to properly develop. I refer you to the Appendix of the CONGRESSIONAL RECORD, page A1188. There the story is told. How any Representative from the West or the South could vote for this bill is beyond me. It makes permanent the colonization of our areas.

Now let us analyze the effect on the antitrust laws.

The principal question in case No. 107, Standard Oil Company against Federal Trade Commission, which was argued and submitted to the Supreme Court on January 9 and 10, 1950, concerns the proper construction and application of section 2 (a) of the Clayton Act which prohibits price discriminations that have the specified injurious effects on competition. The case also concerns the proper interpretation of section 2 (b) of that act which provides:

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

Section 3 of S. 1008 as rewritten by the conference committee and passed by the House, would amend section 2 (b) of the Clayton Act to read as follows:

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price the effect of which upon competition may be that prohibited by the preceding subsection, or discrimination in services or facilities furnished, the burden of showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided further,* That a seller may justify a discrimination [Kefauver and Carroll amendments both stricken and nothing substituted] by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor, and this may include the maintenance above or below the price of such competitor, of a differential in price which such seller customarily maintains, except that this shall not make lawful any combination, conspiracy, or collusive agreement; or any monopolistic, oppressive, deceptive, or fraudulent practice.

The question presented in the Standard Oil Co. case is whether the proviso to section 2 (b) of the Clayton Act "that nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price was made in good faith to meet an equally low price of a competitor" makes such a showing a complete justification for discriminations in price when it is affirmatively shown that such discriminations have had and may have the injurious effects on the competition specified in section 2 (a).

The complaint issued by the Federal Trade Commission charged that the Standard Oil Co. has discriminated in price in the sale of gasoline in the Detroit metropolitan area by selling its gasoline to four purchasers classified by Standard as jobbers at prices substantially lower than the price which Standard charges for gasoline to other purchasers whom it supplies in that area.

Since September 10, 1936, Standard has supplied gasoline in Detroit to the operators of approximately 358 service stations who are engaged exclusively in reselling such gasoline at retail. Also since that date and in the same area, Standard supplied gasoline to the four so-called jobbers, namely, Ned's Auto Supply Co., Citrin-Kolb Oil Co., Stikeman Oil Co., and Wayne Oil Co.

At the outset it should be noted that there is no magic in the word "jobber." Standard states in its brief before the Supreme Court, at page 5, that the word shall apply to one who conforms to the industry classification of the word "jobber," and who therefore may sell at wholesale, retail, or both.

Ned's was exclusively a retailer, reselling Standard's gasoline through its own chain of service stations. Citrin, Stikeman, and Wayne were engaged in reselling Standard's gasoline at wholesale and retail.

Thus, in their retail operations, Ned's, Citrin, Stikeman, and Wayne, although they were classified by Standard as jobbers, and although they bought in tank car quantities, were in fact retailers in competition with the 358 other retailers who purchased their gasoline from Standard in tank-car quantities.

It is very important to note that the Commission found, and it is not disputed by Standard, that the lower price to the four jobbers was not justified by cost savings to Standard in serving them.

The case thus presents a factual situation wherein one large gasoline retailer and three wholesalers who sold in part at retail, were able to demand and obtain from Standard, because of the quantities in which they purchased, a substantially lower price for Standard's gasoline than the price charged by Standard for gasoline of the same grade and quality to 358 other retailers who purchased directly from Standard and resold such gasoline at retail in competition with the four favored purchasers.

The Commission found that Standard's price discriminations gave the four jobbers in their retail operations a substantial competitive advantage over the 358 retailers paying the higher price. The Commission found that the price discriminations to these four jobbers have had and may have the effect of injuring, destroying, preventing competition between these four jobbers in their retail operations with other retailers in Detroit who are required to purchase gasoline from Standard at higher prices. The Commission concluded that Standard's discriminations in price in favor of Ned's, Citrin, Stikeman, and Wayne violated section 2 (a) of the Clayton Act. The sufficiency of the evidence to support the Commission's findings and the Commission's findings to support its conclusion are not disputed by the Standard Oil Co. in any manner except as to the question of interstate commerce. The Commission's order prohibiting such discriminations in price was unanimously upheld by the United States Court of Appeals for the Seventh Circuit.

The Standard Oil Co. contends that section 2 (a) is not a complete section defining a prohibited offense, but is modified by the proviso of section 2 (b). Standard contends that a discrimination in price declared unlawful by section 2 (a) is not unlawful if the seller can show only that the lower of the two prices was made in good faith to meet a price offered by one of his competitors; and that such a showing is a complete defense as a matter of law to a charge of violation of section 2 (a), regardless of the amount of the discrimination and regardless of its injurious effect on competition among Standard's competing retailer-customers.

In short, Standard contends that all of its price discriminations were made in good faith to meet equally low or lower prices of competitors. In support of this defense, Standard introduced evidence of competitive offers received by the four dealers from distributors of both major and minor brands of gasoline. Some of these offers were made prior to June 19, 1936, and some were made subsequent to June 19, 1936. Of those offers made subsequent to June 19, 1936, some were made after the filing of the complaint herein. Standard also contended that the lower prices allowed the four dealers were made in good faith to meet an equally low price of a competitor for the reason that said four dealers could at any time herein involved have purchased gasoline of grade and quality comparable to that sold by Standard at equally low or lower prices from other suppliers of gasoline in Detroit.

Based on the record in this case the Commission concluded as a matter of law that it is not material whether the discrimination in price granted by Standard to the four dealers were made to meet equally low prices of competitors. The Commission further concluded as a matter of law that it is unnecessary for the Commission to determine whether the alleged competitive prices were, in fact, available or involved gasoline of

like grade or quality or of equal public acceptance. Accordingly, the Commission did not attempt to find the facts regarding those matters because, even though the lower prices in question may have been made by Standard in good faith to meet the lower prices of competitors, the Commission was of the opinion that this does not constitute a defense in the face of affirmative proof that the effect of the discrimination was to injure, destroy, and prevent competition between the retail stations operated by the 4 dealers and the 358 retailers.

In substance the Commission held that the effect to be given proof of meeting competition is not a matter of law but a matter of evidence, and that such proof was not available to Standard as a defense on the facts of this case because such proof did not and could not rebut or overcome the Commission's evidence of injury to retail competition resulting from the discrimination.

The Standard Oil Co.'s contention that the proviso to section 2 (b) is a complete defense to a charge of unlawful price discrimination in any case as a matter of law, is controverted by the legislative history as well as by the language of the proviso.

Prior to June 19, 1936, when the Robinson-Patman Act went into effect, section 2 of the original Clayton Act declared discrimination in price to be unlawful where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce, with provisos permitting, among other things, discriminations in price in the same or different communities made in good faith to meet competition. Under that proviso proof establishing that a discrimination in price was made in good faith to meet competition was a complete defense to a charge of unlawful price discrimination.

In framing the Robinson-Patman Act Congress was concerned with the growth of chain stores and the use made of mass buying power to obtain preferential prices. In fact, the Robinson-Patman Act grew out of the Federal Trade Commission's chain-store investigation made at the request of Congress. The Commission's report to Congress showed that many large chains were receiving discounts, allowances, and other advantages greatly in excess of those granted, not only to competing retailers but even to wholesalers. It was recognized by Congress that section 2 of the original Clayton Act permitting discriminations in price in good faith to meet competition made that section unenforceable in the very cases the statute was intended to reach, for under that section a chain or other large buyer, merely by finding two or more sellers of like goods willing to grant to it the same preferential price, could obtain an unearned competitive advantage over his smaller competitors and neither the sellers nor the buyer would be subject to corrective action, even though the ability of the smaller competitors to compete with the chain or other large buyer was injured or destroyed by such price discrimination.

The House Judiciary Committee in reporting the Patman bill in 1936 stated, with regard to the meeting competition proviso and other provisos of section 2 of the original Clayton Act, that "these provisos have so materially weakened section 2 of that act, which this bill proposes to amend, as to render it inadequate, if not almost a nullity"—House Report 2287, Seventy-fourth Congress, second session, page 7.

In reporting the Robinson and Patman bills favorably, both the Senate and House Judiciary Committees emphasized the purpose to protect the competitive opportunity of the small-business man by prohibiting all price differentials except those which could be justified in full by cost savings. The House Committee reported that "the object of the bill briefly stated is to amend section 2 of the Clayton Act so as to suppress more effectually discrimination between customers of the same seller not supported by sound economic differences in their business positions or in the cost of serving them"—House Report No. 2287, Seventy-fourth Congress, second session, page 7.

In this case, Ned's Auto Supply Co. was engaged exclusively in reselling Standard's gasoline direct to the consuming public through its own chain of retail service stations. According to Standard's version, Ned's was able to induce competitors of Standard to offer to sell gasoline to it in tank-car quantities at tank-car prices and that Standard had to do the same to meet this competition, regardless of the injurious effects upon competition at the retail level between Ned's and other retailer-purchasers of Standard's gasoline. In other words, Ned's, although exclusively a retailer, was arbitrarily classified by Standard as a wholesaler and given wholesale prices which Standard did not make available to its other retailer-customers, which resulted in injurious effects upon competition at the retail level. Under section 2 of the original Clayton Act, Standard might have justified such discriminations in price if made in good faith to meet competition. It therefore appears that Standard's discriminatory prices granted to Ned's represent the same chain-store situation which Congress found evaded the purpose of the original Clayton Act and also presents exactly the type of case which Congress intended to reach by the enactment of the Robinson-Patman Act.

The proposal that meeting competition in good faith be made an absolute justification for discrimination in price otherwise prohibited was considered and rejected by Congress in the enactment of the Robinson-Patman Act. The meeting competition proviso was considered one of the principal loopholes in the original act and both the original Robinson bill and the original Patman bill omitted any provision similar to this proviso. In the Senate a provision with respect to meeting competition having the same effect as under the original Clayton Act was proposed as an amendment. In the House the Judiciary Committee reported the bill with a section substantially identical with the present section 2 (b). The conference committee rejected the Senate's version and approved the House amendment in the form enacted. With respect to the meeting competition proviso proposed by the amendment to the Senate bill the conference committee stated:

> The Senate bill contained a further proviso: "That nothing herein contained shall prevent discrimination in price in the same or different commodities made in good faith to meet competition." This language is found in existing law, and in the opinion of the conferees is one of the obstacles to the enforcement of the present Clayton Act. The Senate receded, and the language is stricken. A provision relating to the meeting of competition, intended to operate only as a rule of evidence in a proceeding before the Federal Trade Commission, is included in subsection (b) in the conference text as follows: "*Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (80 CONGRESSIONAL RECORD, p. 9414; H. Rept. 2951, 74th Cong., 2d sess., pp. 6, 7.)

In presenting the conference report in the House the chairman of the conferees explained the good faith proviso of the present section 2 (b) in these words:

> It is to be noted, however, that this does not set up the meeting of competition as an absolute bar to a charge of discrimination under the bill. It merely permits it to be shown in evidence. This provision is entirely procedural. It does not determine substantive rights, liabilities, and duties. They are fixed in the other provisions of the bill. It leaves it a question of fact to be determined in each case, whether the competition to be met was such as to justify the discrimination given, as one lying within the limitations laid down by the bill, and whether the way in which the competition was met lies within the latitude allowed by those limitations. * * * If this proviso were construed to permit the showing of a competing offer as an absolute bar to liability for discrimination, then it would nullify the act entirely at the very inception of its enforcement; for in nearly every case mass buyers receive similar discriminations from competing sellers of the same product. (80 CONGRESSIONAL RECORD, p. 9418.)

With respect to the meeting competition provision of the original Clayton Act which permitted the statute to be easily evaded, the United States Court of Appeals for the Seventh Circuit (173 F. 2d 210) aptly stated that—

> Congress sought to change this bypass by changing the discriminatory price, made in good faith to meet the low price of a competitor, from a defense, as it then was, to a procedural aid to enable a seller to overcome the prima facie case made by showing a difference in price to customers in the same community for goods of the same quality.

The Robinson-Patman Act in section 2 (a) continued to make it unlawful to make a discriminatory price as was provided in the original Clayton Act and kept as a defense the cost savings and other defenses of the original act, but took out of the defense category the provision for making a lower price to meet

competition. As to this, section 2 (b) of the Robinson-Patman Act in part provided:

> Upon proof being made that there has been discrimination in price, nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price was made in good faith to meet an equally low price of a competitor.

In this amendment it appears to us as it did to the court below that the intent of Congress is clear and the language used to express its intent is not ambiguous. The court below was also of the opinion that the Supreme Court in the case of *Staley Manufacturing Company* v. *Federal Trade Commission* (324 U. S. 746 (1945)), has expressed the view that section 2 (b) is as the conference report says it was intended to be. To support its opinion the Court of Appeals (173 F. 2d 210) quoted from the opinion in the Staley case wherein the Supreme Court, speaking through Chief Justice Stone, in part stated:

> It will be noted that the defense that the price discriminations were made in order to meet competition, is under the statute a matter of rebutting the Commission's prima facie case prior to the Robinson-Patman amendments. Section 2 of the Clayton Act provided that nothing contained in it shall prevent discriminations in price made in good faith to meet competition. The change in language of this exception was for the purpose of making the defense a matter of evidence in each case, raising a question of fact as to whether the competition justified the discrimination (pp. 752-3).

To support this statement the Supreme Court cites the conference report, House Report 2951, Seventy-fourth Congress, second session, pages 6–7, and the statement of the chairman of the House conference committee, volume 80, CONGRESSIONAL RECORD, page 9418. From this language it clearly appears that the Supreme Court has held that the good-faith proviso of section 2 (b) does not provide a substantive justification for violation of section 2 (a); that proof of meeting competition in good faith is sufficient to rebut only a prima facie case of violation of 2 (a) and, beyond that, is merely evidence to be considered by the Commission with other evidence in determining as a question of fact in each case whether the seller's competition justified the discrimination in price.

The Court of Appeals for the Second Circuit in *Moss* v. *Federal Trade Commission* (148 Fed. 2d 378, C. A. 2d 1944; cert. den. 326 U. S. 734) has, in effect, held that proof of a price differential in itself constituted "discrimination in price" where the competitive injury in question was between sellers.

The Supreme Court in *Federal Trade Commission* v. *Morton Salt Company* (334 U. S. 37, 45 (1948), has held that—

> Congress meant by using the words "discrimination in price" in section 2 that, in a case involving competitive injury between a seller's customers, the Commission need only prove that a seller had charged one purchaser a higher price for like goods than he had charged one or more of the purchaser's competitors.

In the light of these cases the meaning of the words "discrimination in price" is clear in the first half of section 2 (b) which provides that "upon proof being made, at any hearing on a complaint under this section that there has been discrimination in price the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination."

In the light of the Moss and Morton Salt cases, this part of section 2 (b) clearly means that proof of discrimination in price without proof of the injurious effects specified in section 2 (a) makes a prima facie case of unlawful discrimination and that the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation. The word "justification" clearly refers to the substantive defenses made available by the provisos of section 2 (a) and the provision relative to meeting an equally low price of a competitor in good faith is not included in that section.

The second half of section 2 (b) states:

> *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price * * * to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor.

Such a showing is not referred to as, and manifestly is not intended to be, justification for price discrimination. And neither section 2 (a) nor 2 (b) provides, as did section 2 of the original Clayton Act, that "nothing herein contained shall prevent discrimination in price made in good faith to meet competition."

The action of Congress in deliberately taking this proviso out of section 2 of the original Clayton Act where it was a substantive defense and by transferring it to section 2 (b) where it was made a procedural section, discloses in itself the intention of Congress to reduce the legal status of the proviso from that of a substantive defense to the status of an evidentiary matter that may or may not be applicable on the merits of a charge of unlawful price discrimination.

The action of Congress in deliberately changing the phraseology of the proviso likewise discloses the same intention on the part of Congress.

It is clear that the effect of the good faith proviso of section 2 (b) extends only to the matter of rebutting the prima facie case, thereby shifting the burden of proof to the Commission on the issue of whether the discrimination has or may have the injurious effects upon competition specified in section 2 (a). Since the term "discrimination in price" was used in connection with the term "the prima facie case" Congress evidently did not intend the term "discrimination in price" to refer to all of the elements of unlawful price discrimination, including the effects upon competition set forth in section 2 (a). It clearly appears that the term "discrimination in price" as used in section 2 (b) does not include, and, as held in the Moss, Staley, and Morton Salt cases, section 2 does not require affirmative proof of actual injury to competition when the other elements of an unlawful price discrimination are established.

If proof of good faith in meeting an equally low price of a competitor is made, the Commission can no longer rely upon a prima facie case, but must show as was shown in the present case, by additional and affirmative evidence that Standard's discrimination has had and may have the injurious effects upon competition specified in section 2 (a).

This construction and application of sections 2 (a) and 2 (b) we submit correctly and clearly demonstrate that where, as in the instant case, the injurious effects upon competition have been affirmatively established, a showing that Standard was meeting an equally low price of a competitor in good faith does not constitute a justification for Standard's discriminations in price. This is particularly true where, as in the instant case, the competition injured is retail competition between competing purchasers, since the fact that the seller acted in good faith to meet the price of the seller's competitor is not inconsistent with, and does not logically rebut, the proof that retail competition between competing purchasers is injured by the discrimination.

To accept Standard's construction of section 2 (b) would mean that the individual seller's interest in discriminating in price would prevail over the public interest in protecting competition against discriminatory pricing. If Standard's construction should prevail as a matter of law, then the prohibition against discriminatory pricing in section 2 (a) will become largely a nullity and sections 2 (a) and 2 (b) taken together will become for the most part merely a declaration of the individual right to discriminate.

It has been argued that under the Commission's construction of the statute, Standard would be forced to sit idly by while its competitors took away its customers by means of lower prices. This is not so.

If a seller loses a customer to a competitor as a result of a discriminatory price offered by a competitor, the Clayton Act gives him a right of action for three times his damages, and he may also seek an injunction in the district court.

To permit retaliation in such a case would be to let one violation of law justify another. Such a contention by the Staley Co. was referred to as startling and was rejected by the Supreme Court in the Staley case.

If the competitor who offers a lower price to the seller's customer is not discriminating in price, then the situation is one of normal price competition between sellers, and the remedy is to meet that competition without engaging in unlawful discrimination. If the seller cannot meet such competitor's price in fair competition it is because the competitor either is more efficient or has some lawful advantage, such as lower transportation costs. In either case, normal competitive forces come into play, and the customer's business will and

should go to the seller able to offer the lowest nondiscriminatory price.

There is nothing in the Commission's order which would prevent the Standard Oil Co. from selling to wholesalers and retailers at a price lower than any of its competitors and thereby preventing the switch of its customers to its competitors, so long as Standard's prices are not discriminatory. Therefore, the argument made on behalf of Standard that the Commission's order would preclude it from engaging in competition to hold its customers is without merit.

It has been argued that the Clayton Antitrust Act, as amended by the Robinson-Patman Act, does not encourage hard competition. It is submitted that the full impact of competition upon Standard, compelling it to lower its entire price structure in order to hold its customers, will impose on Standard hard competition. It is soft competition that would permit Standard to discriminate in price to hold the business of some of its favored customers without being compelled to lower its general price structure.

If Standard's construction of the statute is accepted, it means that a small business located at one point cannot undersell a large corporation with many branches without the risk of economic strangulation through price discrimination although the small concern does not discriminate at all. It also means that one competitor whose differences in cost would justify a lower price, runs the same risk at the hands of its larger rival. Standard's construction would even mean that the discriminator would justify his otherwise unlawful discriminations by the discriminations of a competitor, although the latter may also be unlawful. To accept Standard's construction of the statute would mean that Congress intended to let down the bars to injurious price discrimination whenever the seller can show that a competitor is offering the same price to a favored customer. A seller in a competitive industry usually encounters such competition in selling to chains and other large purchasers and Standard's construction of the statute would license injurious and oppressive discrimination.

From the foregoing argument in the Standard Oil Co. case, the conclusion is reached that section 3 of S. 1008 as rewritten by the conference committee and passed by the House and providing "that a seller may justify a discrimination by showing that his lower price was made in good faith to meet an equally low price of a competitor," will emasculate and nullify section 2 (a) of the Clayton Act prohibiting price discriminations which have or may have the specified injurious effects upon competition. If this amendment is enacted into law, section 2 (a) and 2 (b) of the Clayton Act will become for the most part largely a declaration of the right of the seller to discriminate in price regardless of the quantity of the discriminations and the amount of injury resulting therefrom to competition. The amendment proposed by Senator KEFAUVER and improved by Representative CARROLL would sustain the application and construction of sections 2 (a) and 2 (b) by the Federal Trade Commission and the United States Court of Appeals for the Seventh Circuit in the Standard Oil Co. case. Without an amendment such as that offered by Senator KEFAUVER and Congressman CARROLL, retail competition among competing purchasers of a seller who discriminates in price would be afforded no protection from the injurious effects of such discriminations. Without the Kefauver and Carroll amendments sections 2 (a) and 2 (b) of the Clayton Act would revert to the same status as section 2 of the original Clayton Act which Congress found to be ineffective and unenforceable.

FREIGHT ABSORPTION LEGAL RIGHT NOW—NO NEW LAW NEEDED—PROVIDED ONLY THERE IS NO COLLUSION OR ADVERSE EFFECTS ON COMPETITION—THIS IS ALSO THE VIEW OF FEDERAL TRADE COMMISSION—S. 1008 REALLY DESIGNED TO RESTORE BASING-POINT SYSTEM

Mr. MANSFIELD. Mr. Speaker, proponents of S. 1008 state that the bill is necessary in order that sellers desiring to absorb freight may do so with the confidence that they will not be violating the antitrust laws merely by reason of such freight absorption. Are the bill's proponents sincere in their statement?

In public hearings before the Federal Trade Commission, in the matter of American Iron & Steel Institute et al., Federal Trade Commission Docket 5598, on Tuesday, February 14, and Thursday, February 23, 1950, members of the Federal Trade Commission's legal staff, including Mr. Everette MacIntyre, its Chief of the Division of Antimonopoly Trials, made clear their view that at present it is not unlawful for a seller to absorb freight or otherwise discriminate in price. They made it clear that discriminations in price, whether in the form of so-called freight absorption or otherwise, are lawful except where they operate to destroy competition and tend to create a monopoly or involve collusion. In that connection it should be noted that the views thus expressed conform to views which have been expressed by the Federal Trade Commission in its public announcements and communications to the Congress dealing with this problem. For example, on July 12, 1949, the Commission in an order disposing of respondents' motions to dismiss in the Rigid Steel Conduit case, Docket No. 4452, made it clear that its order in that case does not run against freight absorption, as such. It should be noted that prior to that date the respondents had filed a motion with the Commission for that case to be reopened for the purpose of making clear that the order did not run against freight absorption as such. The Commission in disposing of that motion, on July 12, 1949, stated:

The purpose of the requested modification is said to be to make clear that the order does not prohibit any of the respondents, acting independently, from quoting or selling at delivered prices or from absorbing freight. The Commission does not consider that the order in its present form prohibits the independent practice of freight absorption or selling at delivered prices by individual sellers. (See CONGRESSIONAL RECORD of August 11, 1949, last paragraph of the first column of p. 11256; see, also, CONGRESSIONAL RECORD of August 11, 1949, pp. 11253, 11268, 11284–11285; Appendix of the CONGRESSIONAL RECORD, p. A4891; and CONGRESSIONAL RECORD of August 10, 1949, p. 11182.)

At the public hearings before the Federal Trade Commission in a basing-point case where the steel companies are accused of collusive and unlawful price fixing, namely, the American Iron & Steel Institute et al., Federal Trade Commission Docket 5508, the Chairman of the Federal Trade Commission asked members of the Commission's staff what their views were concerning mandatory f. o. b. prices. To that question the Chief of the Commission's Division of Antimonopoly Trials advised as follows:

I have never held the position that the law entrusted to you provides you with the power to require anyone to sell exclusively at a single nondiscriminatory f. o. b. mill price. I have held the position, and I still hold it, that the Clayton Anti-Trust Law, as amended by the Robinson-Patman Act, makes unlawful f. o. b. mill prices which are discriminatory with the adverse effect specified in that statute; that is, the destruction of competition or injury to competition. Likewise, the Federal Trade Commission Act prohibits the use of unfair practices, and an unfair practice is discrimination which creates or tends to create monopoly. (Tr. p. 180, lines 1–15.)

To that statement was added the following:

At this time I would like further to explain my answer to this effect. It is my opinion that the law does not require either f. o. b. mill or delivered pricing. It is my position that the law does not prohibit either f. o. b. mill or delivered pricing per se. It is my position that the law does not prohibit so-called freight absorption or any discrimination not involving adverse effects specified in the Clayton Antitrust Act, as amended by the Robinson-Patman Act. Those effects are clearly specified in section 2 (a) of the Clayton Antitrust Act as amended. Its effects include hindrance, suppression, and injury to competition or tendency to create a monopoly. They are matters which must be proven as facts and included in the Commission's findings of facts before it can prohibit said practices. If there should come before this Commission a case involving price discrimination, whether or not in the form of so-called freight absorption, the Commission is without authority to prohibit its discontinuance if the facts in the case should show that the practice promotes competition and does not injure competition, promote monopoly or involve oppression or collusion. I know of no recognized dissent to that view. I suggest careful consideration of that view by those who either hold or favorably regard the thoughts expressed by Mr. Littleton in his plea to the Commission on this matter on February 14, 1950. It is recalled that he pled for the right to continue the practice of freight absorption where it promotes competition. Let us not confuse the law on that point with a finding of fact. A jury or other fact finders have the task under our system of jurisprudence of determining whether discriminations in a particular situation promote competition or destroy it.

In the last analysis, freight absorption is a reduction in price, a reduction in the net return to the seller. Nothing in the antitrust laws prohibits a seller from reducing his price, unless he does so as part of a collusive scheme, or with the effect of lessening competition. A reduction of price, accomplished by freight absorption or by direct quotation, is within the power of any seller who follows the present laws

The supporters of S. 1008 are less than frank when they state that the purpose of the bill is to clarify the seller's right to absorb freight. Section 1 of the bill does declare that freight absorption is legal. But then why do we need sections 2, 3, and 4 with their serious amendments to the Robinson-Patman Act? I ask the Members of the House to ponder on this.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 157, noes 86.

Mr. BOGGS of Louisiana. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 144, not voting 48, as follows:

[Roll No. 71]

YEAS—240

Abbitt	Fallon	Lind
Abernethy	Fellows	Linehan
Allen, Calif.	Fenton	Lodge
Allen, Ill.	Fernandez	Lovre
Andersen, H. Carl	Fisher	Lucas
	Flood	McConnell
Anderson, Calif.	Forand	McCormack
Andresen, August H.	Ford	McCulloch
	Frazier	McDonough
Andrews	Fugate	McGregor
Angell	Fulton	McGuire
Arends	Gamble	McMillan, S. C.
Aspinall	Gary	McMillen, Ill.
Auchincloss	Gavin	Macy
Barrett, Pa.	Gillette	Magee
Barrett, Wyo.	Goodwin	Mahon
Bates, Mass.	Gordon	Marsalis
Beall	Gore	Martin, Iowa
Bennett, Mich.	Gossett	Martin, Mass.
Bishop	Graham	Mason
Blackney	Granahan	Merrow
Bolton, Md.	Granger	Meyer
Bolton, Ohio	Green	Michener
Bonner	Gwinn	Miles
Boykin	Hale	Miller, Md.
Bramblett	Hall, Edwin Arthur	Miller, Nebr.
Brehm		Morton
Brown, Ohio	Hall, Leonard W.	Murray, Tenn.
Buchanan		Nelson
Buckley, Ill.	Halleck	Nicholson
Burleson	Hand	Nixon
Burton	Harden	Norblad
Byrne, N. Y.	Hardy	Norrell
Byrnes, Wis.	Hare	O'Brien, Ill.
Case, N. J.	Harris	O'Hara, Ill.
Case, S. Dak.	Harrison	O'Hara, Minn.
Celler	Harvey	Patten
Chatham	Hébert	Patterson
Chelf	Herlong	Peterson
Chesney	Heselton	Pfeiffer, William L.
Chiperfield	Hill	
Church	Hinshaw	Philbin
Clemente	Hobbs	Phillips, Calif.
Clevenger	Hoeven	Pickett
Cole, Kans.	Hoffman, Mich.	Potter
Cole, N. Y.	Holmes	Poulson
Colmer	Hope	Priest
Cooley	Horan	Quinn
Cooper	James	Ramsay
Corbett	Jenison	Reed, Ill.
Cotton	Jenkins	Reed, N. Y.
Cox	Jensen	Rees
Crawford	Johnson	Rhodes
Curtis	Jonas	Ribicoff
Dague	Jones, Mo.	Rich
Davenport	Judd	Riehlman
Davis, Ga.	Kean	Rivers
Davis, Wis.	Kearney	Rogers, Mass.
DeGraffenried	Kearns	Sadlak
Delaney	Keating	St. George
D'Ewart	Keefe	Sanborn
Dolliver	Kennedy	Sasscer
Dondero	Kilburn	Saylor
Donohue	Kilday	Scott, Hardie
Eaton	Kirwan	Scott, Hugh D., Jr.
Eberharter	Latham	
Ellsworth	LeCompte	Scrivner
Elston	LeFevre	Scudder
Engle, Calif.	Lichtenwalter	Shafer
Short	Taber	Welch
Sikes	Tackett	Werdel
Simpson, Ill.	Talle	Wheeler
Simpson, Pa.	Thomas	Whitten
Smith, Kans.	Thompson	Whittington
Smith, Va.	Towe	Widnall
Smith, Wis.	Van Zandt	Wigglesworth
Spence	Velde	Wilson, Ind.
Stanley	Vorys	Wilson, Tex.
Steed	Vursell	Wolcott
Stefan	Wadsworth	Wolverton
Stigler	Walter	Wood
Stockman	Weichel	Woodruff

NAYS—144

Addonizio	Hagen	Murdock
Albert	Hart	Murphy
Bailey	Havenner	Noland
Baring	Hays, Ark.	Norton
Bates, Ky.	Hays, Ohio	O'Konski
Battle	Heffernan	O'Sullivan
Beckworth	Heller	O'Toole
Bennett, Fla.	Holifield	Passman
Bentsen	Howell	Patman
Biemiller	Huber	Perkins
Blatnik	Hull	Phillips, Tenn.
Boggs, La.	Irving	Polk
Bolling	Jackson, Wash.	Powell
Bosone	Jacobs	Preston
Breen	Javits	Price
Brown, Ga.	Jones, Ala.	Rabaut
Bryson	Jones, N. C.	Rains
Burdick	Karst	Rankin
Burke	Karsten	Richards
Burnside	Kee	Rodino
Camp	Kelly, N. Y.	Rogers, Fla.
Canfield	Keogh	Rooney
Carlyle	Kerr	Roosevelt
Carnahan	King	Sheppard
Carroll	Klein	Sims
Cavalcante	Kruse	Staggers
Christopher	Lane	Sullivan
Combs	Lanham	Sutton
Crook	Larcade	Tauriello
Crosser	Lemke	Thornberry
Deane	Lesinski	Tollefson
Denton	Lynch	Trimble
Dingell	McCarthy	Underwood
Dollinger	McKinnon	Vinson
Doughton	McSweeney	Wagner
Doyle	Mack, Ill.	Walsh
Durham	Mack, Wash.	White, Calif.
Elliott	Madden	White, Idaho
Engel, Mich.	Mansfield	Wickersham
Evins	Marshall	Wier
Feighan	Miller, Calif.	Williams
Fogarty	Mills	Willis
Garmatz	Mitchell	Wilson, Okla.
Gathings	Monroney	Winstead
Gorski	Morgan	Withrow
Grant	Morris	Woodhouse
Gregory	Moulder	Young
Gross	Multer	Zablocki

NOT VOTING—48

Allen, La.	Hedrick	Plumley
Barden	Herter	Poage
Boggs, Del.	Hoffman, Ill.	Redden
Brooks	Jackson, Calif.	Regan
Buckley, N. Y.	Jennings	Sabath
Bulwinkle	Kelley, Pa.	Sadowski
Cannon	Kunkel	Secrest
Chudoff	Lyle	Shelley
Coudert	McGrath	Smathers
Cunningham	Marcantonio	Smith, Ohio
Davies, N. Y.	Morrison	Taylor
Davis, Tenn.	Murray, Wis.	Teague
Dawson	O'Brien, Mich.	Whitaker
Douglas	O'Neill	Worley
Furcolo	Pace	Yates
Gilmer	Pfeifer, Joseph L.	
Golden		

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer for, with Mr. Yates against.

Mr. Secrest for, with Mr. O'Brien of Michigan against.

Mr. Kunkel for, with Mr. Morrison against.

Mr. Taylor for, with Mr. Marcantonio against.

Mr. Hoffman of Illinois for, with Mr. McGrath against.

Mr. Jackson of California for, with Mr. Allen of Louisiana against.

Mr. Teague for, with Mrs. Douglas against.

Mr. Herter for, with Mr. Joseph L. Pfeifer against.

Mr. Kelley of Pennsylvania for, with Mr. Hedrick against.

Mr. Whitaker for, with Mr. Chudoff against.

Mr. Coudert for, with Mr. Buckley of New York against.

Mr. Plumley for, with Mr. Shelley against.

Until further notice:

Mr. Cannon with Mr. Boggs of Delaware.

Mr. Smathers with Mr. Golden.

Mr. Sadowski with Mr. Jennings.

Mr. Worley with Mr. Smith of Ohio.

Mr. Redden with Mr. Murray of Wisconsin.

Mr. Regan with Mr. Cunningham.

The result of the vote was announced as above recorded.

Mr. CARROLL. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. CARROLL moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the bill S. 1008 be instructed to insist upon the House amendment.

Mr. WALTER. Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to lay on the table the motion to instruct conferees.

The question was taken; and on a division (demanded by Mr. CARROLL and Mr. BOGGS of Louisiana) there were—ayes 114, noes 100.

Mr. CARROLL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 161, not voting 60, as follows:

[Roll No. 72]

YEAS—211

Abernethy	Davenport	Holmes
Allen, Calif.	Davies, N. Y.	Hope
Allen, Ill.	Davis, Ga.	Horan
Andersen, H. Carl	Davis, Wis.	James
	Delaney	Jenison
Andresen, August H.	D'Ewart	Jenkins
	Dolliver	Jennings
Andrews	Donohue	Jensen
Angell	Eaton	Johnson
Arends	Eberharter	Jonas
Auchincloss	Ellsworth	Jones, Mo.
Barrett, Pa.	Elston	Judd
Barrett, Wyo.	Fallon	Kean
Bates, Mass.	Fellows	Kearney
Beall	Fenton	Kearns
Bennett, Mich.	Fernandez	Keefe
Bishop	Fisher	Kilburn
Blackney	Flood	Kilday
Bolton, Md.	Ford	Kirwan
Bolton, Ohio	Frazier	Latham
Bonner	Fugate	LeCompte
Boykin	Fulton	LeFevre
Bramblett	Gamble	Lichtenwalter
Brehm	Gary	Lind
Brown, Ohio	Gavin	Linehan
Buchanan	Gillette	Lovre
Buckley, Ill.	Goodwin	Lucas
Burleson	Gordon	McConnell
Burton	Gossett	McCulloch
Byrne, N. Y.	Graham	McDonough
Byrnes, Wis.	Granahan	McGregor
Case, N. J.	Grant	McGuire
Case, S. Dak.	Green	McMillan, S. C.
Celler	Gwinn	McMillen, Ill.
Chelf	Hall, Leonard W.	Macy
Chesney		Magee
Chiperfield	Halleck	Mahon
Church	Harden	Martin, Iowa
Clemente	Hardy	Martin, Mass.
Clevenger	Hare	Mason
Cole, Kans.	Harris	Merrow
Cooley	Harrison	Meyer
Corbett	Harvey	Michener
Cotton	Herlong	Miles
Cox	Hill	Miller, Md.
Crawford	Hinshaw	Miller, Nebr.
Cunningham	Hobbs	Nelson
Curtis	Hoeven	Nicholson
Dague	Hoffman, Mich.	Norblad

O'Brien, Ill.	Rogers, Mass.	Stigler
O'Hara, Ill.	Sadlak	Stockman
O'Hara, Minn.	St. George	Taber
O'Neill	Sanborn	Tackett
Patterson	Sasscer	Talle
Peterson	Saylor	Van Zandt
Pfeiffer, William L.	Scott, Hardie	Velde
	Scott, Hugh D., Jr.	Vorys
Philbin	Scrivner	Vursell
Phillips, Calif.	Scudder	Wadsworth
Pickett	Shafer	Walter
Plumley	Short	Weichel
Potter	Sikes	Werdel
Quinn	Simpson, Ill.	Whitten
Reed, Ill.	Simpson, Pa.	Whittington
Reed, N. Y.	Smith, Kans.	Widnall
Rees	Smith, Va.	Wigglesworth
Rhodes	Smith, Wis.	Wilson, Ind.
Ribicoff	Spence	Wilson, Tex.
Rich	Stanley	Wolcott
Riehlman	Steed	Wolverton
Rivers	Stefan	Wood
Rogers, Fla.		Woodruff

NAYS—161

Abbitt	Hall, Edwin Arthur	Multer
Addonizio	Hand	Murdock
Albert	Hart	Murphy
Aspinall	Havenner	Murray, Tenn.
Bailey	Hays, Ark.	Noland
Baring	Hays, Ohio	Norton
Bates, Ky.	Hébert	O'Konski
Battle	Heller	O'Sullivan
Beckworth	Heselton	O'Toole
Bennett, Fla.	Holifield	Passman
Bentsen	Howell	Patman
Biemiller	Huber	Patten
Blatnik	Hull	Perkins
Boggs, La.	Irving	Phillips, Tenn.
Bolling	Jackson, Wash.	Polk
Bosone	Jacobs	Poulson
Breen	Javits	Powell
Bryson	Jones, Ala.	Preston
Burdick	Jones, N. C.	Price
Burke	Karst	Priest
Burnside	Karsten	Rabaut
Camp	Keating	Rains
Canfield	Kee	Rankin
Carlyle	Kelly, N. Y.	Richards
Carnahan	Keogh	Rodino
Carroll	Kerr	Rooney
Cavalcante	King	Roosevelt
Chatham	Klein	Sims
Christopher	Kruse	Staggers
Combs	Lane	Sullivan
Cooper	Lanham	Sutton
Crook	Larcade	Tauriello
Crosser	Lemke	Thompson
Deane	Lesinski	Thornberry
DeGraffenried	Lodge	Tollefson
Denton	Lynch	Trimble
Dingell	McCarthy	Underwood
Dollinger	McCormack	Vinson
Doughton	McKinnon	Wagner
Doyle	McSweeney	Walsh
Durham	Mack, Ill.	Welch
Elliott	Mack, Wash.	Wheeler
Engel, Mich.	Madden	White, Calif.
Evins	Mansfield	White, Idaho
Feighan	Marsalis	Wickersham
Forand	Marshall	Wier
Garmatz	Miller, Calif.	Williams
Gathings	Mills	Willis
Gore	Mitchell	Wilson, Okla.
Gorski	Monroney	Winstead
Granger	Morgan	Withrow
Gregory	Morris	Woodhouse
Gross	Moulder	Young
Hagen		Zablocki

NOT VOTING—60

Allen, La.	Golden	Pfeifer, Joseph L.
Anderson, Calif.	Hale	Poage
Barden	Hedrick	Ramsay
Boggs, Del.	Heffernan	Redden
Brooks	Herter	Regan
Brown, Ga.	Hoffman, Ill.	Sabath
Buckley, N. Y.	Jackson, Calif.	Sadowski
Bulwinkle	Kelley, Pa.	Secrest
Cannon	Kennedy	Shelley
Chudoff	Kunkel	Sheppard
Cole, N. Y.	Lyle	Smathers
Colmer	McGrath	Smith, Ohio
Coudert	Marcantonio	Taylor
Davis, Tenn.	Morrison	Teague
Dawson	Morton	Thomas
Dondero	Murray, Wis.	Towe
Douglas	Nixon	Whitaker
Engle, Calif.	Norrell	Worley
Fogarty	O'Brien, Mich.	Yates
Furcolo	Pace	
Gilmer		

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer for, with Mr. Yates against.

Mr. Secrest for, with Mr. O'Brien of Michigan against.

Mr. Kunkel for, with Mr. Morrison against.

Mr. Taylor for, with Mr. Marcantonio against.

Mr. Hoffman of Illinois for, with Mr. McGrath against.

Mr. Jackson of California for, with Mr. Allen of Louisiana against.

Mr. Teague for, with Mrs. Douglas against.

Mr. Herter for, with Mr. Joseph L. Pfeifer against.

Mr. Kelley of Pennsylvania for, with Mr. Hedrick against.

Mr. Whitaker for, with Mr. Chudoff against.

Mr. Coudert for, with Mr. Shelley against.

Mr. Towe for, with Mr. Heffernan against.

Mr. Thomas for, with Mr. Buckley of New York against.

Mr. Kennedy for, with Mr. Fogarty against.

Until further notice:

Mr. Cannon with Mr. Golden.

Mr. Smathers with Mr. Anderson of California.

Mr. Sadowski with Mr. Boggs of Delaware.

Mr. Colmer with Mr. Dondero.

Mr. Engle of California with Mr. Hale.

Mr. Redden with Mr. Smith of Ohio.

Mr. Regan with Mr. Cole of New York.

Mr. Furcolo with Mr. Murray of Wisconsin.

Mr. Worley with Mr. Morton.

Mr. Ramsay with Mr. Nixon.

Mr. HUGH D. SCOTT, JR., changed his vote from "no" to "aye."

Mr. EDWIN ARTHUR HALL changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees: Messrs. CELLER, WALTER, WILLIS, MICHENER, and CASE of New Jersey.

GENERAL LEAVE TO EXTEND ON THE BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their remarks on the basing-point bill, S. 1008.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL SCIENCE FOUNDATION

Mr. CROSSER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4846) to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4846) to establish the National Science Foundation, with Mr. THOMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. On yesterday the Committee agreed that the bill be considered as read and open for amendment at any point. Are there further amendments?

Mr. PRIEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRIEST: On page 16, line 18, strike out "1923, as amended" and insert in lieu thereof "1949."

The amendment was agreed to.

Mr. DURHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DURHAM: On page 20, line 8, after the word "of", strike out the word "atomic" and substitute the word "nuclear."

Mr. DURHAM. Mr. Chairman, I offer this amendment for the reason that at the present time it is not very clear whether or not the word "atomic" covers the new process of the hydrogen bomb. This language will, in the opinion of the members of the committee, clarify it to a certain extent.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Tennessee.

Mr. PRIEST. Mr. Chairman, we are very happy to accept this amendment. I am sure the gentleman from North Carolina has stated adequate reasons why it should be accepted and we are willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. DURHAM].

The amendment was agreed to.

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Page 20, line 24, strike out "annually"; and in line 25, strike out beginning with "such" through the period in line 1 on page 21, and insert "not to exceed $500,000 for the fiscal year ending June 30, 1951, and not to exceed $15,000,000 for each fiscal year thereafter."

Mr. HARRIS. Mr. Chairman, it has been my privilege for nearly 8 years out of this my 10 years' service in the Congress to be a member of the Interstate and Foreign Commerce Committee of the House. During this time a great many bills have come from our committee affecting the welfare and security of our Nation. I do not believe, however, there has been any legislation from the committee more important and necessary to our future security than this proposal for a National Science Foundation.

I am not presently on the Public Health Subcommittee, and, therefore, did not participate in the hearings conducted by the subcommittee during this Congress. I did participate in the extensive hearings we held in the Seventy-ninth Congress. I participated in the consideration of this proposal at that time as a member of a subcommittee designated to try to perfect the most desirable bill if possible. A bill was reported but it was in the closing days of the Seventy-ninth Congress and was not considered by the House.

It was again proposed in the Eightieth Congress. We did not have subcommittees in the Eightieth Congress under the chairmanship of our distinguished colleague the gentleman from New Jersey [Mr. WOLVERTON]. All legislation was

considered by the whole committee. A bill establishing a National Science Foundation was reported and passed by this Congress. I was privileged to be a member of the conference committee between the Senate and the House. We worked out the differences and passed the bill which was vetoed by the President, because of administrative policy it contained in connection with the establishment of the Board and appointment of the Director.

Consequently, Mr. Chairman, I believe that I am somewhat familiar with this proposed legislation, its purposes, design, and need.

I have been somewhat impressed with the debate yesterday and today. I have been especially interested in the fears that have been expressed in connection with this proposal. Obviously many Members are justified in raising this or that question but Mr. Chairman, this is not a glorified piece of legislation. It is not setting up a foundation as some would have us believe that would absorb and take over all scientific research in every field from private or public institutions and organizations. There is nothing to the contention that this would be a super duper agency that becomes all powerful over any other activity including educational institutions where scientific research programs are carried on.

This is a program proposed out of an experience with which all of us are familiar. It is a program out of recognizing in an emergency that we in this country were sadly lacking in a most fundamental problem, inevitably affecting our future progress and security.

As has been explained, President Roosevelt, in 1941, directed Dr. Vannevar Bush, then director of the wartime Office of Scientific Research and Development, to prepare a report on the need for a post war science program. Out of that report filed July 19, 1945, Science: The Endless Frontier, came the basis for science foundation legislation which we have here today. This is not a hurried, ill-conceived piece of legislation. It is a carefully considered proposal for now nearly 10 years.

Shortly after the submission of the report in the Seventy-ninth Congress, my colleague the gentleman from Arkansas [Mr. MILLS], introduced the first bill along with Senator MAGNUSON, based on the careful and scientific study contained in the report. Mr. MILLS appeared before our committee in that Congress and the hearings will reveal that he made a most commendable contribution, in the initial consideration of this legislation. He deserves much credit in initiating this program and I want to pay tribute to him now where tribute is justly due.

Now the real need, Mr. Chairman, for this legislation. As was said by Dr. Compton: "Rest upon the major requirement in this country with respect to science." It has a dual or two-fold purpose. First, to supplement private resources available for the support of basic research; and second, the training of scientists.

No one can deny that these two fundamental needs are absolute requirements if we are going to continue our place in world affairs and assume our leadership to which we are committed for a just and enduring peace.

I have offered this amendment placing a limitation of $500,000 for the first year 1951 and $15,000,000 annually thereafter. The bill as presented does not place any ceiling or limitation in its authorization which has caused many to express deep concern and I think, justifiably so.

I am just as concerned about the continuous Government spending, our Federal budget, deficit spending and high taxes, as any Member of this Congress. I am convinced that it is imperative that we adjust our fiscal affairs, to not only live within the budget but that we should start applying something on the huge war debt that hangs over our heads.

But I am also concerned about the future security of our Nation. Unless we keep the pace and ahead in basic research we can have no real security. When it comes to these matters, I believe sincerely necessary to our future, I think it behooves us to reduce the appropriation in some other lesser important field and place first things first, and I consider this among the first.

The record shows there is no need for a huge sum of $100,000,000 or more but that this program in basic research delving into the unknown, under the Foundation of 24 Board members and Executive Committee and a Director would cost approximately $15,000,000 the first year and level off at $25,000,000 at the end of 4 or 5 years. This is the program contemplated by the administration.

But to assure the membership of this House that this is a limited program in comparison with the $544,000,000 or more conducted by the National Defense, Army, Navy, and other agencies, most of which is in applied science, I propose this limitation, a minimum recommended by the Bureau of the Budget for the first year and each year following, or annual appropriations.

I do this, Mr. Chairman, after consultation with other members of the committee for an additional reason than the question of cost and increased burden. This will make it necessary for the Foundation to come back to this committee and to the Congress and give a full account of its activities and show the need for any additional funds or expression.

The purposes of the bill are stated briefly in the report which I will not again take the time to outline, but in addition to the explanation of these purposes it is my belief that the correlating of these research programs in basic science will not only give us a program imperative to our future, but will in my opinion ultimately reduce this burden and cost in the entire scientific field. We cannot and should not overlook such an important possibility.

The development of the atomic bomb cost the taxpayers of this country over $2,000,000,000. We were in a war emergency. It was a trial and error effort. The cost, of course, was excessive. I do not know if a program such as this proposed had been under way if it would have saved any money or not. We do know that Dr. Bush and other great scientists and educators have emphasized the possibility.

We could relate many experiments carried on in basic science research, tremendously affecting the health and welfare of the individual. In our short span of time, we have seen the effect of this research work.

It has been nearly five years since the ending of the war. I am also greatly concerned at the apparent attitude and feeling that prevails. I have seen it gradually develop and it disturbs me beyond expression.

At the end of the war most everyone throughout this country was determined that we should place the greatest possible emphasis toward efforts to assure that such another world tragedy would never occur again. Read the records of this Congress in those years. Go back and review the headlines in the papers. You will be reminded of the determination of our people toward future peace and security.

We made commitments, costly commitments. We entered upon a program of peace, United Nations organization and various other costly programs to bring about a just peace and prevent Communist aggression and other totalitarian effort to rule the world.

Yes, that was at the end of the war, but Mr. Chairman, how easy it is to forget in such a short time when the matter of our security is at stake. We all said during those years that we must remain strong, militarily and otherwise, but how easy it is to become complacent, and in the hope that it cannot happen again. We cannot afford to ever again adopt the cannot-happen attitude. So let us adopt this amendment, placing this limitation and prepare the way for the development of scientists in this country and the encouragement of research efforts among all groups, private and public, that there may be no doubt as to our place in the future of a troubled and unsteady world.

This amendment places a limitation for the first fiscal year, 1951, of $500,000. That is the amount contained in the budget submitted for fiscal year 1951, to get the organization started and underway. This is for administrative expenses. It will take some time to get it going. Then it further provides a limitation of $15,000,000 for each fiscal year therafter. That takes into account the fact that the Bureau of the Budget says that in the first year of the program after it gets underway and to make an effective program, they should have $15,000,000; that is contract authority, administrative expense, funds for scholarships and fellowships, and so forth.

In addition, it is expected that in the course of about 5 years the cost will reach a level, perhaps, of $25,000,000 a year. In limiting the authorization in the first active year to $15,000,000 and each year following, it will be necessary for the Foundation to come back to the committee and the Congress and give a report of its activities, its organizational

work as to the progress and success of the program in the first few years, and obtain increased authorizations if it needs to expand as requested to accomplish the purposes of the act. If the Foundation can show that it should have additional authority and additional funds, it will then give the Congress an opportunity to determine, when a proper showing is made, that it should have the additional authority for such expansion.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. In connection with the liimtation on the dollars, does the gentleman's amendment do anything in the limitation of the range of power of the Commission as to its supervision over other research work?

Mr. HARRIS. I think the bill itself provides that, and you will find in various sections, particularly in the policy section, the purposes of the bill, and also in subsection (h), which was discussed on the floor yesterday, at which time the gentleman from Wisconsin [Mr. KEEFE] participated rather extensively and very timely.

Mr. CASE of South Dakota. The gentleman then feels that this money will be applied to basic research?

Mr. HARRIS. To basic research, yes, except in connection with national defense matters.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. VORYS. The gentleman did not point out, I believe, that the purpose of deliberately limiting this to $15,000,000, although it is planned that it will go more than that in, say, the second year, is to bring it back not only to Congress, but to bring it back to this legislative committee which brought this legislation in. I want to commend the gentleman on his amendment. We all have great respect for this great committee. We feel that this committee can review it much more amply when it is a going concern.

Mr. HARRIS. I appreciate the statement of the gentleman. I have just discussed this matter with the Bureau of the Budget. As has been explained, the first year is the organizational year in which the $500,000 for administrative expenses would be needed. The second year it is estimated that it will probably cost about $5,000,000 in getting the program under way, and probably the second year it will be increased to $10,000,000, and perhaps the third year to $15,000,000, and so on, until it reaches its level. But after it goes beyond the $15,000,000 limitation, it will be necessary then for the foundation to come back to the Congress. Then we certainly can find out just what has been going on, what they plan to do, and just how effective the program is at that time.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from California.

Mr. HINSHAW. I think it would be well to call the atention of the House to subsection (b) on page 21, where it states:

> Appropriations made pursuant to the authority provided in subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the acts making such appropriations.

This leaves the question of how long they shall be available pretty much up to the Appropriations Committee and the House pursuant to its action.

Mr. HARRIS. Of course; naturally, when they come back it will be the responsibility of the committee and the Congress to take a look at the entire picture again.

One reason for placing this at the $15,000,000 level, and I thought about 5 or 7½ million level, was that they tell me that they will have some difficulty in getting the top scientists of the country to participate in the program if we make the authorization too low. I think that is a highly important matter. In other words, as one expressed it, they might take the attitude, perhaps, "Well, it is just a bugaboo program set up with nothing much to do, and we will not fool with it." I think that is highly important, because if it is to be an effective program the outstanding scientists of this country will have to participate, and I am sure they will participate.

Mr. HESELTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. HESELTON to the amendment offered by Mr. HARRIS: After "exceed" strike out "$15,000,000" and insert "$1,000,000."

Mr. HESELTON. Unfortunately, the copy of the budget I had is temporarily mislaid. Let me ask the gentleman from Arkansas if we are not in accord that the budget itself says not only in figures in two places but in text that all they can spend in 1951 effectively is $500,000?

Mr. HARRIS. That is true, and that is the reason I made it $500,000 for the first year for administrative expenses.

Mr. HESELTON. That is right. I commend the gentleman for going that far, but I think the House is entitled to a clear opportunity here on as to how far it wants to go in the next year in the absence of any defined program and without anything like exact estimates.

There are many differences of opinion as to how far this program will go. Nobody knows. Nobody can accurately tell you what the figure will be. However, in the first annual report of the President's Scientific Research Board, on August 27, 1947, this language appears at page 31:

> The Federal Government should spend about $50,000,000 for support of basic research outside its own laboratories in 1949. From that point grants for basic research should increase rapidly until they reach an annual rate—

Not of $10,000,000, not of $15,000,000, but—

> of at least $250,000,000 by 1957.

Yet, at page 26 of the same report there is the following language:

> As a nation, we should spend each year no less than 1 percent of our national income for research and development ' the physical and biological sciences, including medicine.

It is true that the Board is talking in terms of national income for research and development which is an all-inclusive term beyond both the basic research we are now discussing and the much larger field of even applied research. That is one enormous difficulty in considering this problem because we find fixed into Government terminology and in budget presentations the general term of research and development.

Then consider another paragraph in that report:

> We will have the trained manpower to support a program of this magnitude by 1957. Assuming in that year a national income of over $200,000,000,000, our national research budget should then be more than $2,000,000,000.

Again, this is a suggested figure of $2,000,000,000 over all, and although it defines it as our national research budget, as I read the paragraph it is referring to basic and applied research and development in the Federal Government, in other public bodies, in industry, and in our universities and colleges.

Nevertheless, I call your attention to the specific language of still a third paragraph on page 27. After discussing the sharp decline in endowment income, the limiting of sources of new endowment funds by taxation, and other factors, the Board states:

> In view of these considerations, we should anticipate Federal expenditures in support of research and development of more than $1,000,000,000 a year by 1957.

Then I am confronted, and I think all of us are confronted, with a very practical dilemma. Yesterday I pointed out that the Budget, at page 1118, lists expenditures for research and development as actually $940,000,000 in 1949, $964,000,000 estimated in 1950, and $953,000,000 estimated in 1951.

The gentleman from South Dakota [Mr. CASE] has shown me another tabulation which I understand to be an official one indicating that already the Federal budget requests are far in excess of $1,000,000,000 this year and steadily mounting.

It occurs to me that this is primarly because of the wide scope of what is called research in the Federal Government and perhaps because it appears that very substantial expenditures for construction of facilities are not classified as strictly research and development. I pointed out yesterday that there is a request for construction at Langley Field, Va., which is, I think, carried in the Independent Offices Appropriation Act of 1949 with an item of $1,000,000. I do not know whether this is classified strictly as research or not. I pointed out that the medical-research facilities at Bethesda are being ex-

pended, that the principal building is now in its second year of construction with a clinical center and a research laboratory to be equipped with 500 research beds for clinical research in cancer, heart, metabolic, and infectious diseases.

Certainly this is an excellent program of which I am sure we all approve but let me point out that the budget calls for an appropriation of $15,125,000 which is in addition to the $18,100,000 appropriated to date. Here again I do not know whether that is classified as within the research program or, rather, treated as a construction item.

My whole point is that I do not think that, with all due respect to the many people who have been interested in this matter and are interested in this matter, anyone is in a position to state with exactness, whether we will require one, two, three, five, or fifteen million dollars, as suggested by the gentleman from Arkansas [Mr. HARRIS] and others; $25,000,000, as others so persuasively suggest as a minimum; $27,500,000, as still others suggest, or even $250,000,000, for basic research as far off as 1957. In view of all these contradictions, and for that reason, I am suggesting $1,000,000 as a ceiling in 1952. Concededly, that is an arbitrary limitation. If someone wishes to place it at $5,000,000 or $7,500,000 and can produce further evidence to support that as a figure, I should be inclined to support that amendment. But I do want to leave the record entirely clear that, in my opinion, we should deal with the facts as they are contained in the recommendations of the President in his budget message, should have presented to the Interstate and Foreign Commerce Committee a continuing report of the development of the National Science Foundation program with accurate estimates as to what may be required in fiscal 1951, so that we will be prepared to act intelligently on any further authorization in 1952 and prepared during the ensuing 11 months to state with some authority to the House what we believe to be a proper ceiling.

Let me conclude this phase of my explanation of the reasons for this amendment with one paragraph from the Board's report at page 25:

> What is here proposed, therefore, is not a maximum, but a minimum annual national research and development budget for the future—a budget below which we cannot afford to fall. It is in the nature of a recommended floor for expenditures, rather than an optimum ceiling.

We have been talking now about a ceiling. Too frequently we have found that any ceiling becomes a floor. I commend the Board for its frankness in including this paragraph in its report and I am entirely sincere in making that statement. I have repeatedly commended this Board for the work it has done and for these excellent reports. I recognize the limitations under which it had to work, both as to time, as to funds and personnel available, and as to the extreme complexity of the subject matter with which it was dealing. But, as my chief witness on this point, I believe that the Board has proven beyond any reasonable doubt that no wise, sound figure can be suggested by any one for the fiscal year 1952. I wish the gentleman from Arkansas [Mr. HARRIS] had taken the clear limitation recommended by the budget for fiscal 1951 and stopped there. Since he did not do so, I want the record clear as to my reasons for questioning the wisdom of placing any limitation on fiscal 1952 until we have sufficient knowledge of the program and of its requirements so that we can approve a reasonable authorization. Surely, if this bill passes and becomes law, all those interested in creating the Foundation and making it operate successfully are going to believe that the majority of this and future Congresses will recognize the necessity of supporting a soundly conceived and well administered program. Personally, I believe we can count on our scientists, engineers and other technicians to work effectively to develop such a program and to implement it. I think of them first as loyal Americans willing and anxious to work with us in the interest of the security, the economic well-being and the health of the United States. The overwhelming majority of them, with rare exceptions indeed, proved that conclusively in the crucial days in 1940–45. I certainly credit them with as much interest in and devotion to this country's security now as then and I would be amazed if as many as 6 of them declined a request to assist in creating a sound structure and program for this Foundation. We all know that public service is something this Nation has never had to buy. Why should we fear that our history would reverse itself between now and the early months of 1952?

I think the Members are entitled to all the information the committee can develop.

I have the highest regard for my friend from Arkansas [Mr. HARRIS] and all the members of this committee. I know they are sincere and I know they are worried, and I am worried and that is one fundamental reason for my support of this bill.

I said yesterday that in the Defense Department in research alone they have been able to cut back in 2 years $82,000,000.

I urge upon you to realize there is reason to believe if we put this law into effect and set up an effective agency, instead of increasing the cost of government, to the extent of $105,000,000 as outlined in the budget requests of agencies other than the national defense for 1950 and 1951, we can and we should save a substantial portion. Is that wishful thinking? I do not think so. If the Defense Department has attacked this thing realistically and has applied standards and has created a balanced program, as it surely has, then through the medium of the National Science Foundation, if we make this a law, we can hope not only to save all which involved even in this proposed ceiling for 1952, but many more millions of dollars. Have I any ground for saying that? I think so. This morning I talked with an executive officer in the National Defense Department. I know this is not considered classified information. I was told that out of the military budget they can turn over a minimum of $15,000,000 or a maximum of $20,000,000 in the current funds to this newly created science foundation. I concede that that will not cover scholarships. But let us be realistic about it. It will set this program going. This is the Defense Department only. What of the others? And I remain unconvinced that we can hope to start the fellowship and scholarship program going until 1952 at the earliest.

This is not the measure which has passed the other body. I personally believe it is a much better and more refined version. It has to go to conference. We can get more information and our conference committee can iron this out. But why should we project ourselves clear into 1952 by saying, "You have permission to go up to $15,000,000." Remember that is a minimum and I predict it will be so construed irrespective of what any of us say here during this debate.

I say the situation is one where we should, as the gentleman from New York has so ably suggested, stop, look, and listen. I do not want to wreck this program and I do not believe I am doing so. This is not intended as and it is not a crippling amendment. It should help to gain support for the bill and the Foundation. It is translating the President's budget message to a dollar, as I read that message. If the President and the Budget Bureau are right, I am right. If they are wrong, I shall be open-minded as to any other figure. But no one yet has offered reasons for another figure. I am concerned about some of the figures which I gave to the committee yesterday about what they are doing in Soviet Russia. They are not my figures. They come from the Department of National Defense. I call your attention to the fact that these are figures from behind the iron curtain which are believed to be accurate. The budget of the Soviet Union for 1947 is reported to provide $1,200,000,000 for this purpose as compared with outlays of $900,000,000 in 1946. What were we doing in 1949? We were spending $940,000,000.

Then there is something more.

I am told our Government does not have any figure it can isolate. But through 1948 and 1949, the total military expenditures of Soviet Russia appear to have increased by about 20 percent. But listen to this. At the same time expenditures for scientific research and development appear to have increased 80 percent. Those are increases over 1947.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HESELTON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Chairman, I appreciate the consideration of my colleagues. These final remarks move me to a deep conviction that I must support this bill. I shall support it, even though this amendment is defeated. I want the matter to go back to the committee with a new program that we can analyze. It will under the amendment offered by the gentleman from Arkansas [Mr. HARRIS]. It will also under my

amendment. We are reaching out. We do not have any standard, any guide, any yardstick, except what we have here. The President's board frankly admits that this report constitutes only a partial analysis. We are trying to organize an effective agency without knowing what any foundation or other agency is going to do.

Now, what is our situation with regard to scientists? The Department of National Defense advised me, according to their latest figures they have for Russia, those for 1949, and this includes, apparently, all higher education, they have a pool of 450,000 specialists and 218,000 engineers, and also 232,000 teachers, doctors, and health officers. I understand that some of the latter group probably are scientists. That ought to give us something to pause and think about.

How did we stand here? I pointed out yesterday that because of the war we went back from 2,034 graduate Ph. D.'s in 1941 to 833 in 1945. We have come back slowly; 948 in 1946, 1,464 in 1947, 1,947 in 1948, and 2,320 last year. It is expected that this figure will stay about there, because our GI educational program is diminishing. That is, unless we have this bill as a law.

Turning to those receiving engineering degrees: In 1941, 17,800; in 1949, 45,000; in 1950, an estimate of 50,000. That is encouraging. But consider the estimates for 1951 and 1952. A drop of 13,000 in 1951 to 37,000. A drop of another 9,000 in 1952 to 28,000. Almost half.

How about bachelors of science: 1949, 28,000; 1950, 42,000; 1951, 44,000. After that, what? Another trend downward. I repeat, unless we have this bill as a law and an effective foundation functioning.

I do not have the information as to what they did in Russia, although I am searching for all I can obtain that is not classified security data. But Soviet Russia went into a 5-year program in 1947, and this is 1949. Under that program the Defense Department said Russia was reported to be producing 140,000 engineers and scientists each year. We are producing 80,320. That is 140,000 against 80,320. If they succeed in Russia, that will be 700,000 by 1952. Unless we act in this body we will have trained a little over half that number—about 400,000.

Are we willing to take the awful responsibility of disregarding the measured recommendation of the National Defense Department in its report filed December 30 last:

They—

The Army, Navy, Marine Corps, and Air Force—

are also supporting the proposed legislation for a National Science Foundation.

Does anyone dare suggest that General Bradley, General Collins, Admiral Sherman, General Cates, and General Vandenberg would approve such a flat recommendation without knowing the text of the bill which passed the other body in May 1948 by a vote of 79 to 8, or without knowledge of the contents of this bill as reported by our committee more than 6 months before that report of the National Defense Department? Are we willing to discard the intelligent testimony in support of this bill since Dr. Vannevar Bush undertook the difficult task in November 1944 to prepare a report on the postwar science program? Does not his brilliant report of July 1945, Science: The Endless Frontier, count as any evidence for us? Are we to brush aside the testimony of Dr. Bronk, president of Johns Hopkins University, and Chairman of the National Research Council, when he warns us:

I need not remind you that certain potential enemies of this country are fully aware of the power of science in their efforts for military strength and military power.

And adds:

Because of that consideration alone I take it that a National Science Foundation is of the utmost importance to the Nation and to the security of the Nation.

I beg that you read the short 3½-page statement by Dr. Karl T. Compton at page 112 of the hearings, when he testified as the representative of the National Military Establishment, as Chairman of the Research and Development Board, and as president of M. I. T. Read the searching questions of my colleagues of the subcommittee and his revealing answers. Recall his magnificent record in the war before you close your mind to his advice.

Then please read the six-paragraph letter on page 142 of the hearings dated March 30, 1949, and signed by the chairman of the committee on science legislation of the Engineers Joint Council, in company with scientists from California Institute of Technology, Johns Hopkins University, Carnegie Institute of Technology, University of Illinois, New York University College of Medicine, University of Minnesota, University of Colorado, and by Mr. Robert E. Wilson, chairman of the board, Standard Oil Co. of Indiana.

Then look at the list inserted by my colleague, the gentleman from New Jersey [Mr. WOLVERTON], on February 27 at pages 2409 and 2410 of scientific organizations, educational and research institutions, national organizations, Government officials, and outstanding scientists and Americans stated to be in support of this proposal. Among the individuals, I call your attention to the late Gen. Hap Arnold; President Conant, of Harvard; President Doherty, of Carnegie Institute of Technology; Dean Hammond, School of Engineering, the Pennsylvania State College; Dean Saville, of the College of Engineering, New York University; Dr. Oppenheimer, Director of the Manhattan project; Dr. Urey, University of Chicago; Dr. Smyth, Princeton University; of President Day, Cornell University; of Dean Blake, Yale School of Medicine; of Dr. Sinnott, Sheffield Scientific School, Yale University; Dr. Stanley, Rockefeller Institute for Medical Research; President Carmichael, Tufts College; of President Stearns, University of Colorado; of Chancelor Gustavson, University of Nebraska; and of Rev. J. C. S. O'Donnell, president of Notre Dame University.

Finally, I hope you will just look at the brief quotation from the unanimous report and recommendation of the 12 commissioners of the so-called Hoover Commission filed with Congress on March 25, 1949, which I placed in the RECORD for February 27 at pages 2420 and 2421.

Does all this overwhelming evidence count as nothing in our serious consideration of this problem? We have had two full sessions and undoubtedly will not reach a vote tonight. I hope that what the members of the Interstate and Foreign Commerce Committee have been trying to do in expressing their support of and their reasons for supporting this legislation will enable each of you to understand this complex and intricate problem. I am confident that the bill will pass by a substantial majority. If my efforts have contributed anything toward a decision on the part of any of you which will be satisfactory to you in years to come, I shall be more than repaid. I hope that no one of us will approach the vote, perhaps on next Thursday, without a more complete understanding of the problem and of the solution recommended, so that our votes can reflect our mature and considered judgment as to what I believe to be one of the most challenging and, even, frightening situations which has ever confronted our Nation. In terms of its security and in terms of its future economic welfare and development, in terms of the continued improved health of its people, I sincerely hope that all those of you who have any doubts at this moment can resolve them in favor of this legislation when we discuss it again either tomorrow or on Thursday.

Under permission I received in the House, I now include three significant tables for your consideration. I call your particular attention to the marked difference between expenditures in 1947 in the War and Navy Departments for basic research and for applied research and development. I am informed that there is not a very substantial variation in the situation as of this time.

TABLE II.—*The national research and development budget 1947* (excluding atomic energy)*

[In millions]

Agency	Total	Expenditures in 1947	
		Basic research	Applied research and development
Total	$1,160	$110	$1,050
Federal Government	625	55	570
War and Navy Departments	500	35	465
Other departments	125	20	105
Industry	450	10	440
University	45	35	10
Other	40	10	30

Distribution of Federal funds

	Total	War and Navy	Other
Total	$625	$500	$125
Government laboratories	200	100	100
Industrial and university laboratories on contracts	425	400	25

*See appendix II for sources of estimates.

TABLE III.—*National research and development budget for 1957*

[In millions]

Type of activity	Amount	Proportion of total budget
Basic research	$440	20
Health and medical research	300	14
Nonmilitary development	1,000	44
Military development	500	22

Federal research expenditures, by agency, fiscal year 1947

[In thousands]

Agency	Expenditures	
	Amount	Percent of total
Grand total	$623,930	100.0
Navy Department	262,000	42.0
War Department	237,000	38.0
Agriculture Department	31,328	5.0
Interior Department	30,358	4.9
National Advisory Committee for Aeronautics	27,000	4.3
Federal Security Agency	13,236	2.1
Commerce Department	10,494	1.7
Federal Loan Agency (RFC)	4,699	.8
Tennessee Valley Authority	3,654	.6
Veterans' Administration	2,523	.4
Federal Works Agency	822	.1
Smithsonian Institution	309	(1)
Treasury Department	220	(1)
Federal Communications Commission	200	(1)
Maritime Commission	87	(1)

[1] Less than 0.05 percent.

I also think it would be useful to my colleagues to have before them the survey of research and development units of the Federal Government and I call your attention to the fact that this list is suggestive, not inclusive. Consider the fact that it is reported that approximately 90 percent of the national military defense work in this field is let by contract rather than done in our Federal laboratories and I am sure you will understand why the committee wanted to provide flexibility so far as our national defense over-all program is concerned:

APPENDIX I

RESEARCH AND DEVELOPMENT UNITS OF THE UNITED STATES GOVERNMENT [1]

AGRICULTURE DEPARTMENT

Office of Experiment Stations: Stations in United States, Alaska, Hawaii, and Puerto Rico.
Bureau of Animal Industry.
Bureau of Dairy Industry.
Bureau of Plant Industry, Soils, and Agricultural Engineering.
Bureau of Entomology and Plant Quarantine.
Bureau of Human Nutrition and Home Economics.
Bureau of Agricultural and Industrial Chemistry: Northern Laboratory, Southern Laboratory, Eastern Laboratory, Western Laboratory.
Agricultural Research Center (Beltsville).
The Forest Service: Forest Products Laboratory.
Soil Conservation Service.
Production and Marketing Administration.
Farm Credit Administration.

COMMERCE DEPARTMENT

National Bureau of Standards.
Civil Aeronautics Administration.
Weather Bureau.
Coastal and Geodetic Survey.
Office of Technical Services.

DEPARTMENT OF THE INTERIOR

Bureau of Mines.
Bureau of Reclamation.
Fish and Wildlife Service.
Geological Survey.
National Park Service.

FEDERAL SECURITY AGENCY

United States Public Health Service: National Institute of Health.
St. Elizabeths Hospital.
Food and Drug Administration.

TENNESSEE VALLEY AUTHORITY

Operating Divisions.

NAVY DEPARTMENT

Office of Naval Research: Planning Division, Naval Research Laboratory, Special Devices Center, Underwater Sound Reference Laboratory.
Office of Chief, Naval Operations: Naval Observatory, Hydrographic Office, Operational Development and Evaluation.
Bureau of Ships: Electronics Division, Research and Standards Section, David W. Taylor Model Basin, Navy Electronics Laboratory, Naval Engineering Experiment Station, Navy Underwater Sound Laboratory, Navy Code and Signal Laboratory, Naval Boiler and Turbine Laboratory, Material Laboratory, Industrial Test Laboratory, Navy Mine Countermeasure Station.
Bureau of Aeronautics: Engineering Division, Humm Laboratory, Naval Aeronautics Laboratory, Naval Air Experimental Station, Naval Air Test Center, Naval Air Missile Test Center, Naval Air Material Center.
Bureau of Yards and Docks: Planning and Design Department.
Bureau of Ordnance: Research and Development Division, Naval Ordnance Laboratory, Naval Ordnance Development Unit, Naval Ordnance Test Station, Naval Aviation Ordnance Test Station, Point Mugu Special Weapons Center.
Bureau of Medicine and Surgery: Research Division, Medical Field Research Laboratory, Medical Research Department, Naval Institute of Tropical Medicine, Naval Medical Research Institute.

UNITED STATES ARMY TECHNICAL SERVICES

Chemical Corps: Edgewood Arsenal, Camp Detrick, Dugway Proving Ground, San Jose project.
Medical Department: Army Medical Center, Army Industrial Hygiene Laboratory, Army Institute of Pathology, Medical Department Field Research Laboratory, Medical Nutrition Laboratory, Veterinary Research Laboratory.
Ordnance Department: Aberdeen Proving Ground, Detroit Tank Arsenal, Frankford Arsenal, Picatinny Arsenal, Research and Development, Fort Bliss Suboffice, Research and Development, Pasadena Suboffice, Rock Island Arsenal, Springfield Armory, Submarine Mine Depot, Watertown Arsenal, Watervliet Arsenal, White Sands Proving Grounds.
Quartermaster Corps: Climatic Research Laboratory, Jeffersonville Depot, Philadelphia Depot, Quartermaster Food and Container Institute for Armed Forces.
Signal Corps: Coles Signal Laboratory, Evans Signal Laboratory, Squier Signal Laboratory, Army Electric Standards Agency.
Corps of Engineers: A. P. Hill Military Reservation, Wright Field, Yuma Test Branch, Fort Churchill, Fort Story, Fort Belvoir.
Transportation Corps.

NATIONAL ADVISORY COMMITTEE ON AERONAUTICS

Langley Memorial Aeronautical Laboratory.
Ames Aeronautical Laboratory.
Flight Propulsion Research Laboratory.

SMITHSONIAN INSTITUTION

Research Divisions.

ATOMIC ENERGY COMMISSION

Research Division.

FEDERAL WORKS AGENCY

Public Roads Administration.

FEDERAL COMMUNICATIONS COMMISSION

Engineering Department.

[1] The difficulties of inclusion and exclusion for any list of this type are considerable. The list is suggestive, not definitive.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. PRIEST. Mr. Chairman, I rise in opposition to the amendment to the amendment.

I have not checked with all members of the subcommittee. I have checked with the members on this side, and as chairman of the subcommittee I am willing to accept the Harris amendment limiting the appropriation to $15,000,000. I think it is well that we limit the appropriation for the reasons that the gentleman from Arkansas stated. Then the Foundation may come back before the legislative committee for additional authorizations 3 or 4 years from now, if necessary. I do feel it would be a great mistake to accept the amendment offered by my good friend, the gentleman from Massachusetts [Mr. HESELTON]. I feel certain that he is very sincere in offering the amendment, because he is sincere in all the work that he does on the committee. I believe the gentleman from Arkansas [Mr. HARRIS] stated one of the very impelling reasons, as I see it, why we should not accept the amendment offered by the gentleman from Massachusetts, limiting this appropriation to $1,000,000. If this Foundation is to do the job that I hope, and I believe the gentleman from Massachusetts [Mr. HESELTON] hopes it will do, it must attract men of high caliber in the realms of scientific education and research throughout this country. We expect that it will do so; that they will be willing to give their time to the Foundation and to give their time to the executive committee of that Foundation toward developing the program. I feel very strongly, and I have heard some comments in that respect in the last few days, that if we limit this appropriation initially to $1,000,000, there will not be enough confidence in the continuation of the program to attract the type of men that we want.

We passed a bill providing for a National Science Foundation in the Eightieth Congress, without any limitation whatsoever on the appropriation. It was a wide-open authorization, such as originally was contained in this bill, that such funds as may be necessary for carrying out the program of the foundation are hereby authorized to be appropriated.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. HESELTON. I thank the gentleman for his kind remarks about my hoping that this bill would be enacted. I said I would vote for it, whatever the outcome of this amendment. But is it not true that in other sections of the bill we provide for transfers, which, as I indicated could go to the extent of $15,000,000 in the national defense alone, so that

the program could actually get under way? Would it not be better for us to take this 1 year at a time and try to get a definite program before our committee and before the House which we understand and of which we approve, before we bind ourselves to the $15,000,000 open-end authorization?

Mr. BIEMILLER. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Wisconsin.

Mr. BIEMILLER. May I observe that if we are to rely on subsection (h), as the gentleman from Massachusetts [Mr. HESELTON] is suggesting that funds may only be transferred for the specific purpose for which they have previously been appropriated. We have testimony before us on the part of the military establishment, in the committee hearings, that they do not have funds for the basic research, for which the National Science Foundation is intended.

Mr. PRIEST. I will yield again, and then I would like to have just 1 minute.

Mr. HESELTON. That is true, but I do not believe my friend, the gentleman from Wisconsin [Mr. BIEMILLER] or my friend, the gentleman from Tennessee [Mr. PRIEST], or anybody really believes that we are going to be able to get the fellowship and scholarship program under way next September. The earliest we can do it, in my opinion, will be the following September, when we will need more money. But no one knows how much.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield.

Mr McCORMACK. I am sorry the gentleman from Tennessee [Mr. PRIEST] has agreed to accept the amendment offered by the gentleman from Arkansas [Mr. HARRIS], because I think a limitation of $15,000,000 is too low. Yesterday the gentleman said we would level off at about $25,000,000; but in view of the fact that the subcommittee has agreed to accept it, I naturally will go along. However, I do hope that the amendment offered by the gentleman from Massachusetts [Mr. HESELTON] and there is no hostility about his amendment, because he has evidenced that from the floor—I hope that will not be agreed to, because I think it would have a very crippling effect. I say that descriptively and advisedly, because he has no such intention, I know, although it would have a very crippling effect upon the operation of the National Science Foundation. Reluctantly I will go along with the amendment offered by the gentleman from Arkansas [Mr. HARRIS] in view of its acceptance by the Chairman of the Subcommittee.

Mr. HESELTON. Will the gentleman yield briefly that I may make a reply to my good friend, the majority leader?

Mr. PRIEST. I yield briefly to the gentleman to answer.

Mr. HESELTON. Apparently, the majority leader does not recall that the budget carries $1,000,000 for 1951.

Mr. McCORMACK. I may say to my friend from Massachusetts that the gentleman from Massachusetts [Mr. McCORMACK] is aware of it. My recollection is that it was $500,000 for 1950.

Mr. HESELTON. And for 1951 it was $1,000,000.

Mr. McCORMACK. I am aware of the situation, but we are approaching this from the wrong angle. The effect of my friend's amendment, if adopted, would be to have the National Science Foundation established for 2 years, the first year at $500,000 and the next at $1,000,000; then they would have to come back for additional legislation on the part of the Congress. I believe that is a situation that should not exist. I recognize the argument that there should be a limitation, but in my opinion if a limitation is put on it should be $25,000,000. I will, of course, go along with the $15,000,000, but the further restriction is too much.

Mr. PRIEST. Mr. Chairman, I hope very much that the amendment offered by my friend from Massachusetts to the Harris amendment will be defeated.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for three additional minutes because of the many interruptions that have taken place.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee is recognized for three additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. GROSS. We have saved $10,000,000 at one stroke by waiting one 24-hour period. I rise to ask the gentleman if it would not be well to adjourn now to see if we could not save another $10,000,000 at another stroke.

Mr. PRIEST. The gentleman refers to the fact, of course, that on yesterday I stated that the ultimate cost was estimated to be about $25,000,000. For the time being an amendment has been accepted by the chairman of the subcommittee to place a limitation of $15,000,000. The bill will have to come up for consideration again within 3 or 4 years, for review by the committee which reports this legislation, review of what the Foundation has done and proposes to do, for the committee to give it a look and decide whether or not we should raise that ceiling, or lower it, or just what should be done.

I yield to the author of the pending amendment.

Mr. HARRIS. Is it not a fact that in the course of the debate yesterday on this proposed legislation, one of the greatest fears expressed was that there would be no limitation whatsoever? We now propose to place a limitation in the bill for the simple reason that it is expected that the Foundation will have to come back to Congress and give an accounting of their actions.

Mr. PRIEST. The gentleman is correct. May I say that as chairman of the subcommittee I accept this action because I believe there is a very strong feeling on the part of the Members that there should be some sort of limitation. I took a strong position yesterday on the floor in support of the $25,000,000 and would continue it except that in the interest of harmony and in the interest of agreeing with my good friend from Arkansas and others who believe very strongly that some reasonable limitation should be in the bill, I am willing to accept the Harris amendment; but I do hope we will not accept the amendment offered by the gentleman from Massachusetts to the Harris amendment.

Mr. RANKIN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. RANKIN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. RANKIN. Mr. Chairman, this is not only one of the most useless but one of the most dangerous propositions, in my opinion, of its kind that has ever come before the Congress.

Instead of creating more foundations, we need to get rid of some foundations that are now being used for propaganda purposes, that are now being used to undermine and destroy our Government, as well as to undermine and destroy the American way of life.

I know one of the men who has been one of the chief forces behind this thing, Harlow Shapley of Harvard University. I know he belongs to a half dozen or a dozen Communist-front organizations. We had him before the Committee on Un-American Activities and brought that information out.

I understand he and his group expect to pick the personnel of this foundation if this bill passes.

We know another thing, that a large number of the colleges of America today have on their teaching staffs men drawing pay from other sources, and many of them are spreading communistic propaganda all the way from Massachusetts probably to Mississippi and from Texas to Maine.

Mr. Chairman, this is not the time to set up an organization of this kind. America has made the greatest progress any nation ever saw. How has that been done? By that independent freedom, if you please, that we now enjoy. Suppose you had this aggregation 80 years ago, Thomas A. Edison, the greatest inventive genius of the ages, could not have got an audience with them.

Suppose you had this crowd in command 150 years ago, do you think Eli Whitney, the man who invented the cotton gin and revolutionized the industry of America, could have got an audience? No. You are taking out of the hands of many of our colleges, out of the hands of our military, out of the hands of our defense forces, if you please, the very powers that they need and are turning them over to a gang of professors, many of whom you will find are affiliated with Communist-front organizations.

I cannot support this measure under any circumstances, and for that reason I have asked for this time in order that I might give the reasons why I think this measure is dangerous and should be defeated.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Illinois.

Mr. CHURCH. This can cost, according to their own admission, $50,000,000 or more, when it gets through the other body and therefore that much more in taxes. Is not the gentleman familiar with the fact that industry after industry, small industry and large industry, throughout the United States is begging for less taxes so that they might be able to do their own research work?

Mr. RANKIN. Why, certainly. Here you are just burdening the American people with taxes to set up a dangerous organization that if the American people knew what it is, and what is behind it, would be against it almost to a man.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. FULTON. The gentleman interests me with his comment about Dr. Harlow Shapley. Did the gentleman ask the chairman of the committee just what part he might have had in this matter?

Mr. RANKIN. I was already familiar with that, sir, or I would not have brought his name into the discussion. If the gentleman will look at the record, he will find Dr. Shapley is one of the chief supporters behind this proposition, and if the gentleman will go to the records of the Un-American Activities Committee, he will find that Dr. Shapley is a member of some of the most dangerous Communist-front organizations in America.

The measure should be defeated.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. PRIEST. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I would like once and for all time to make a very brief statement as to the background of this legislation. My friend from Mississippi [Mr. RANKIN] mentioned Harlow Shapley, of Harvard University. All I know about the man he mentioned is that he is a member of that faculty, a scientist.

The first connection I had with this legislation dates back to the year 1945 shortly after the end of the war, when Dr. Vannevar Bush called me, the distinguished gentleman from Arkansas [Mr. MILLS], Senator MAGNUSON, the gentleman from Kentucky, Mr. CHAPMAN, now a Member of the other body, and several others out to his apartment and asked us to go with him into the possibilities of the establishment of a National Science Foundation.

I never heard of Dr. Shapley and any connection he had with this bill until a few months ago when the claim was made that he was one of the instigators. I might say this, that in all the hearings before the committee—and I have here the hearings held during the last session of the Congress, and the gentleman from Wisconsin [Mr. BIEMILLER] has a volume of hearings on a previous bill in another session of the Congress, the professor from Harvard has never appeared before the committee; he has never signed a communication to the committee expressing any interest whatsoever in this legislation. Now, I state that as a matter of record. As an American citizen he had a right to appear if he wanted to, of course, but he never asked to appear.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that this legislation originated with President Roosevelt asking Dr. Vannevar Bush in 1941 to make a thorough and complete study and to report to him and to the Congress as to the need for such legislation, and that a study was under way for about 4 years before the submission of that report in 1945 from which this legislation came?

Mr. PRIEST. That is quite correct. And, I might say again to my colleague from Arkansas that his own colleague, the gentleman from Arkansas [Mr. MILLS] introduced the first National Science Foundation bill that was ever introduced in the House of Representatives, and I do not believe that the gentleman from Arkansas, Mr. WILBUR MILLS, knew anything about any pernicious influences at the time.

Mr. HARRIS. And based on the report that had several years of study, which was submitted.

Mr. PRIEST. Exactly.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Massachusetts.

Mr. HESELTON. I just want to call the attention of the committee to the fact that the National Defense Establishment on December 30, 1949, had this to say in its report: "They," meaning the military department "are also supporting the proposed legislation for a National Science Foundation."

We reported this bill 6 months before, on June 14, 1949. Coming from Massachusetts I want to say that there is no shred of evidence—and I do not know this man, Shapley—there is not a shred of evidence that Karl Compton, ex-president of M. I. T. and a sponsor and a witness before our committee, or President Conant of Harvard University, the director of the Sheffield Scientific School at Yale University, and literally scores of others, prominent Americans, including Gen. "Hap" Arnold, of the Air Force, are inclined to support any Communist-inspired legislation in this House.

Mr. PRIEST. Or Mr. Forrestal, or the Disabled American Veterans. I could go on and name one after another, that I believe would be convincing.

Mr. RANKIN. Mr. Chairman, if the gentleman will yield, the armed forces throught that this would be set up inside of the armed forces.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Georgia.

Mr. COX. Mr. Chairman, I have had some misgivings about this bill, but I think it due the gentleman now having the floor that it be said of him that he conducted a very fair hearing, a very thorough hearing, and filed a magnificent report. Mr. Chairman, I am voting for this bill, gambling upon the proposition of Dr. Vannevar Bush being named Director.

Mr. PRIEST. I thank my good friend from Georgia. And, I might add, while on the floor, and make it a matter of record, that there is not a person in the country that I would sooner see head of this Foundation than Dr. Vannevar Bush. I join the gentleman in wishing that he might be named head of the Foundation.

Mr. BIEMILLER. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Wisconsin.

Mr. BIEMILLER. I think we also ought to have the record show that among the corporations which appeared before the committee backing the National Science Foundation were representatives of such organizations as Standard Oil Co. of Indiana, the Sperry Gyroscope Co., and also the National Association of Manufacturers.

Mr. HESELTON. If the gentleman will yield, I should like to mention one more name: The Rev. J. C. S. O'Donnell, president of Notre Dame University.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from New York.

Mr. JAVITS. May I ask the gentleman whether, in view of the fact that we have heard that an atomic explosion has taken place in the U. S. S. R., he can conceivably justify such complacency as the movant has shown in his remarks before the committee, we dare not in the interests of security or of economic progress be left behind in the onward progress of science of which basic research is the Foundation.

Mr. PRIEST. I hope, Mr. Chairman, that this preferential motion will be voted down.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Mississippi.

The motion was rejected.

Mr. PRIEST. Mr. Chairman, I ask unanimous consent that all debate on the Heselton amendment to the Harris amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, there is a matter in connection with this proposed limitation on appropriations that I think ought to come to the attention of the Congress that has not been discussed by any member of the committee up to date. Regardless of whether or not a maximum limitation is written into this bill, the Congress always has the right and the opportunity to examine into every budgetary estimate that is submitted, which must come annually before the Appropriations Committee, first, and then before the Congress.

I can say to you that, in my humble opinion, whether there is a limitation on the amount of ultimate appropriation

in this bill or not, the committee that is formed under the provisions of this bill would have to justify thoroughly any expenditure they might make before the proper Subcommittee on Appropriations, then before the full committee, and finally before the Congress itself. So I am not too much concerned about the question of limitation except this: It has been stated repeatedly that the purpose of this bill is to insure the production of trained scientists. Is that correct, Mr. Chairman?

Mr. PRIEST. It is to procure the production of trained scientists plus the conduct of basic research with those we already have.

Mr. KEEFE. Plus the conduct of basic research by those who are already scientists and those whom you expect to train.

We ran against that situation in the programs carried on by the National Institute of Health, and what did we find? We found that you could not induce a young man to go into a 6- or 7-year course of study necesary to provide him with the necessary education to become a trained scientist when he is constantly subjected to the annual whims or caprices of Congress as to whether funds will be provided to carry on that fellowship when originally granted. So the subcommittee of which I am proud to be a member attempted to do something about that, and this Congress supported us when we wrote the legislation in the appropriation bill that would authorize contract authority when this man is selected to take training so that he could be assured that he would not have his training interfered with and cut off at the end of any fiscal year, and that he could go on and complete the training.

If you reduce the over-all authorization to the point where you say that it is $1,000,000, as a psychological matter it would be a great deterrent to the recruitment of young men and young women into the field of scientific learning and education to be the ones to carry on this basic research program. I sincerely think while the motive of my friend, the gentleman from Massachusetts is good, the psychological effect would be to defeat one of the very important purposes of this legislation.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. WOLVERTON. I call to the gentleman's attention the language in paragraph (b) of page 21:

> Appropriations made pursuant to the authority provided in subsection (a) of this section shall remain available for obligation or expenditure, or for obligation and expenditure, for such period or periods as may be specified in the acts making such appropriations.

Mr. KEEFE. I understand that language is there, and I presume that the hidden meaning behind the language is to take care of the very situation which I have referred to. So that when a fellowship is in fact established there will be sufficient funds available extended over a period of years necessary to complete the training to enable that trainee to complete his course. If you limit the authority to merely $1,000,000 you are putting a blanket right over the heads of those who might otherwise be induced to go into training. We have had that experience in the training programs in the Public Health Service. I do not think you want to do it here if the purpose of this act or at least the major purpose is to carry on and train scientists.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. HESELTON. I know that the gentleman understands that we all are working under pressure here.

Mr. KEEFE. Yes.

Mr. HESELTON. I had hoped that by submitting this amendment I could give others and myself the opportunity to make a decision. The gentleman and my colleagues have been so persuasive I am convinced that $1,000,000 is too little. I am not convinced, however, that $15,000,000 is not too much. But under the circumstances, Mr. Chairman, I will ask unanimous consent to withdraw my amendment.

Mr. KEEFE. May I say to my friend my experience on the Committee on Appropriations is that regardless of the amount of the authorization you have a pretty good scrutiny as to what is ultimately requested of the Congress. Do you want me to point out one example? You have had a $29,000,000 authorization for appropriations for vocational education. The Congress, up to date, under all of the pressures that have been exerted, has refused to appropriate more than slightly under $20,000,000 for that purpose, although the authority exists and has existed for many years to appropriate up to $29,000,000. You do have a good secondary check when the appropriations item comes before the Congress.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HESELTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. CHURCH. Mr. Chairman I object.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I presume the real amendment which is now before us for consideration is the amendment of the gentleman from Arkansas, which has in effect been accepted by the committee. I certainly believe it is advisable to have limitations in this bill so far as the expenditure of funds is concerned. I wonder though sometimes how much these limitations actually mean. In my short period of 5 years as a Member of the House of Representatives I have seen cases many times when we have come in with an open-handed proposition and in order to make it more palatable to the membership we say, "Well, we will put a limitation on this so that we will be sure to keep it within bounds."

So the limitation is put in. Then within 2 years or so another bill comes in raising that limitation. Therefore I appreciate the words of the majority leader when he said that fundamentally this it not a program for just 1 or 2 years and that basically it is a long-range program. These long-range programs are the ones which worry me the most because I wonder what we are committing future generations to by way of expenditure of funds for Government.

I would call the attention of the House to the RECORD of February 22 in which on page 2126 appears a table prepared by the Committee on Expenditures in the Executive Departments of the other body. You will find there listed some 16 programs and the potential cost thereof, new programs or legislation proposed by the President for the fiscal year 1950–51. They set forth the initial cost and the estimated annual cost of these programs.

It is interesting to note that the estimated initial cost of all of them is $7,020,000,000. I suppose maybe in some respects these programs are worth that amount of money, but let us look at what the estimated cost of the programs in full operation is: $25,187,000,000. What we are trying to do in too many of these programs is to sell ourselves on the idea that they are fine and needed and necessary, on the basis of the cost, which in no way has a bearing upon the actual cost of the program in full operation.

In connection with this particular piece of legislation, I think it is advisable to read what the staff of the Committee on Expenditures in the Executive Departments in the other body found in connection with the National Science Foundation. They state the initial cost to be $15,000,000, when in full operation the cost will be $100,000,000. But because perhaps many of you may not have available the CONGRESSIONAL RECORD of February 22, I would like to read hurriedly their findings in connection with this legislation:

> The President estimated that an appropriation of $2,500,000 and $12,500,000 of contract authority would be required to establish the organization. Sponsors of the legislation creating the NSF find it difficult to forecast what the annual expenditure will be after the program gets under way, since there are several important intangibles to be considered.
>
> The estimate of $100,000,000 is ultraconservative, but was supplied by the Bureau of the Budget as being the most accurate estimate that could be procured. The President's Scientific Research Board recommended annual appropriations of $50,000,000 for basic research, outside of the Foundation's own laboratories, in the initial stages of the program, and estimates that the total annual cost of this phase of the program would exceed $250,000,000 by 1953. The extent of the scholarship phase will depend on authorizations granted by Congress, and the figures shown in the summary are estimated to cover the present proposed program. Including scholarships, research expenditures, and other phases of the program, the total will approximate $350,000,000 annually.

So, Mr. Chairman, I wonder what the limitation really will amount to in the long run.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BYRNES] has expired.

All time has expired on the Heselton amendment.

The question is on the amendment offered by the gentleman from Massachu-

setts [Mr. HESELTON] to the amendment offered by the gentleman from Arkansas [Mr. HARRIS].

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Arkansas [Mr. HARRIS].

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: On page 2, line 16, after the word "support" insert "basic."

Mr. WADSWORTH. Mr. Chairman, I have listened with deep interest to the discussion that has taken place this afternoon on this bill. I cannot escape the conclusion that amongst its own supporters there is very little certainty as to where it goes or what field it covers. Their concepts of it seem to differ very materially.

Before discussing the amendment which I have proposed, I cannot resist the temptation to make somewhat of a reply to the statement made by the gentleman from Wisconsin [Mr. BIEMILLER], to the effect that the Sperry Gryoscope Co. is in support of this measure. I have here a telegram addressed to me, dated New York, February 28:

I understand Mr. J. PERCY PRIEST has listed Sperry Gyroscope Co. as supporting H. R. 4846, through my testimony. Have not seen H. R. 4846 or the circular Mr. PRIEST is alleged to have sent to Members of Congress. My only testimony on science legislation was given more than 4 years ago on behalf of the Aircraft Industries Association and not on behalf of any company. It was very general in character and was not in support of any bill.

Mr. PRIEST. Mr. Chairman, if the gentleman will yield, may I inquire if the telegram was signed by Mr. R. E. Gilmore?

Mr. WADSWORTH. Yes; I should have read that: Signed by Mr. R. E. Gilmore.

Mr. PRIEST. Without taking too much of the gentleman's time, may I say that the gentleman was listed as supporting the legislation in a summary prepared by the committee of witnesses of engineering colleges at one time, although not now, on a bill with another number. The number of this bill was changed, for this bill is a clean bill. It was my understanding that he personally did support the legislation.

Mr. WADSWORTH. He states very specifically here that he did not. I may say that I have two or three more telegrams from representatives of institutions of one kind or another, whose names are included in the list of supporters, who deny that they have ever authorized such inclusion; but I shall not go into that at this moment.

Mr. Chairman, the scientists in whom I have the greatest confidence, men like Dr. Vannevar Bush, Dr. Compton, and others, have from the beginning of this entire discussion insisted that the work of this foundation should be devoted to the encouragement of basic research. Quotations have been read to the committee from statements issued by Dr. Compton and Dr. Vannevar Bush, and you will note that in those statements only basic research is referred to, and the whole plea is made by those estimable gentlemen that this legislation be passed in order that basic research be encouraged in this country and saved from what might be termed ultimate extinction.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. FULTON. I might point out to the gentleman that subparagraph (2) of section 2 reads:

The Foundation is authorized and directed to initiate and support basic scientific research in the mathematical, physical, medical, biological, engineering, and other sciences—

The paragraph to which the gentleman refers is simply a limiting provision referring to the Department of Defense research.

Mr. WADSWORTH. I understand, I am coming to that. I understand what the paragraph means, and the gentleman from Pennsylvania does not have to tell me about it.

Mr. Chairman, the paragraph reads, on line 15, page 2:

After consultation with the Secretary of Defense—

Just what that means I doubt if anyone knows. Shall the consultation be by telephone, by mail, or in personal conversation?—

After consultation with the Secretary of Defense, to initiate and support scientific research in connection with matters relating to the national defense.

I emphasize "matters relating to the national defense." The efforts made by the Military Establishment in scientific research today are by far the largest of all efforts in that field. As I quoted to the committee here yesterday, the armed services alone are spending at the rate of $544,000,000 in their research programs. The Atomic Energy Commission, a large measure of whose time is taken up in the interest of national defense with the A-bomb and the hydrogen bomb, is spending over $500,000,000 a year.

True, this Foundation cannot invade the field of the Atomic Energy Commission.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for five additional minutes.

Mr. WADSWORTH. I am very grateful to the Members for giving me this additional time.

There is a separate institution whose headquarters are at Langley Field, Va., I believe, the National Advisory Committee for Aeronautics. They are spending millions and millions of dollars in the field of national defense, and there are other institutions spending millions of dollars in the same field. Most of their activities are not in the field of basic research. But under this paragraph the Foundation can go into the field of applied science in any institution, governmental or otherwise, which is engaged in trying to assist the national defense. That enormously expands its field, and that particular extension of power is not mentioned to the best of my knowledge and belief in any of the communications of Dr. Vannevar Bush or Dr. Compton.

As I tried to emphasize yesterday, this bill goes further than merely basic research, and it would not be at all surprising to me that if no limitation were placed on it, it would cost over $300,000,000 a year. I have endeavored to find out from Dr. Vannevar Bush and Mr. Pace, Director of the Budget, what money now being expended by the military services could be transferred to the Foundation and thus no increase in expenditures created. I have never been able to get any assurance that there will be any saving at all—none whatsoever. The gate is left wide open here.

Can anybody tell me why it would hurt the national defense or hurt the interest of basic research, which admittedly is the chief objective of this bill, to insert the word "basic" in front of the words "scientific research" in this paragraph?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that Dr. Vannevar Bush was director of the wartime Office of Scientific Research and Development, which was a very active organization during the war?

Mr. WADSWORTH. Yes.

Mr. HARRIS. Is it not a fact that in the course of the activities of that office they cooperated their organization with the national defense?

Mr. WADSWORTH. I understand that.

Mr. HARRIS. And in the interchange of those activities we had the atomic bomb come from it, is that true?

Mr. WADSWORTH. My recollection is that the atomic bomb was not developed under the jurisdiction of the Vannevar Bush organization.

Mr. HARRIS. Not at all, but out of this cooperation of the scientific research program and the national defense.

Mr. WADSWORTH. Yes, but that is a separate organization.

Mr. HARRIS. Is it not a fact that if in the case of emergency they had this interchange of activities it certainly might be very helpful?

Mr. WADSWORTH. I cannot understand why people should say this thing is solely for basic research and insist on multiplying its field of operations five or six times beyond basic research.

Mr. HARRIS. Only in the case of our national defense.

Mr. WADSWORTH. It does not say "in the event of an emergency." For example, the Air Force is experimenting with guided missiles. It may be that part of their experimentation may be termed basic research under the terms

of this bill, if properly interpreted in paragraph 2. That basic research could be taken away from the Air Force but the applied science, the experiments with the missiles that are going on by the hundreds every month, must stay with the Air Force. The same with the Navy's program, which is exceedingly broad. Their program now contains certain elements of basic research. I have never been able to find from scientists how much basic research is done proportionately in these military efforts as compared with applied science. I am sure we do not want this body to take charge of applied science in all the military services. My amendment is to clarify the purposes of this bill which are thus far clothed in confusion.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HINSHAW. Mr. Chairman, I rise in opposition to the amendment. I do so reluctantly, as no Member of this House wants to take on the very able and distinguished gentleman from New York, whose judgment we so highly respect.

In connection with his amendment, let me call attention to the fact, first, that the only exception to the general limitations to basic research that is contained in the bill is that which relates to the National Defense Establishment. The gentleman from New York would have us place words in subsection (3) on page 2 which would limit the work done for the Secretary of Defense and the National Defense Establishment to basic research only.

I would like to call the attention of the members of the committee to another page, page 19, subsection (h) where it says:

> Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made—

And so forth. Now that, of course, limits the Foundation in expending any funds transferred to it by the National Defense Establishment to the purposes which are intended by the National Defense Establishment. If the National Defense Establishment intends that any part of the funds shall be used for other purposes than basic research, it will so state. If it intends that the use of the funds transferred to the Foundation by the National Military Establishment shall be exclusively for the purposes of certain basic research, it will so state, and the Foundation has no power whatsoever to utilize those funds for different purposes.

Now, I would like to say this: As the gentleman from New York probably is quite well aware, there are certain areas of research which are rather shadowy as between whether or not the subject is one of basic research or whether it be applied research. Such research can be made, for example, into the alloys of metals. There is fundamental research, basic research to be done, in the flow of metals under heat and in compression, in tension, and so forth, in the alloys in which the National Defense Establishment is very deeply interested and highly concerned. A part of that research is definitely in the area of basic research. Some of the research in connection therewith is not so definitely in the area of basic research, but nevertheless it is a highly scientific research which is engaged in ordinarily in the laboratories of the universities of the United States. As the gentleman well stated, some $540,000,000 per annum is now being expended by the National Military Establishment in its three separate branches for the purpose of research.

Gentlemen of this Committee, if there is anything more important to the welfare of the United States than the research of the National Military Establishment, in the discovery of new basic concepts which will be for the protection of our country, I would like to know what it is. The National Defense Establishment, just as any other agency, is limited now by having reached the bottom of the barrel of knowledge in certain vitally important categories. They must go forward and find new knowledge with which they may be able to develop new techniques for the defense of our country. I think it would be a very great mistake, indeed, not to permit the National Defense Establishment, if it pleases to do so, and only if it pleases to do so, as is set forth in this bill, to assign to the National Science Foundation such research work as it deems necessary, and to be performed outside of the National Military Establishment through its general assignment of that function as it deems fit.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New York.

Mr. WADSWORTH. Certainly the gentleman, I think, will not contend that my amendment will handicap the National Defense Establishment.

Mr. HINSHAW. I think it probably would, because the National Defense Establishment, before it could make any transfer of funds for its own purposes would have to make a determination that the funds so transferred were to be used solely and exclusively for and to come within the definition of basic research.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Massachusetts.

Mr. HESELTON. I call the attention of the committee to the report made by the President's board in terms of the division between basic and applied research, which the gentleman from New York mentioned a few minutes ago, within the War and Navy Departments in 1947, which is the latest information I have. A total of $500,000,000 was expended in that year, $35,000,000 for basic and $465,000,000 for applied research.

Mr. HINSHAW. I thank the gentleman. That indicates the necessity that these agencies have for going beyond their present field of knowledge.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New York.

Mr. KEATING. Does not the gentleman feel that it would be a desirable thing for the National Defense Establishment to be required to determine that it was basic research before they turned over an activity to this fund, which is supposed to be limited to basic research?

Mr. HINSHAW. The National Defense Establishment now has the power and the funds to contract directly for research in or along any lines it chooses. The National Military Establishment for its own purposes might like to have a bit of research that was not exactly basic, so to speak, done outside of its own agencies in order, perhaps, to obtain a greater degree of a certain kind of security. There are reasons why the National Military Establishment, for its own purposes, might like to have the Foundation do certain other research.

Mr. KEATING. Does the gentleman contend the security would be greater under this fund than in the National Military Establishment itself?

Mr. HINSHAW. The National Military Establishment makes contracts with universities and with private establishments. Whenever it makes a contract with a university those engaged under that contract are well aware that it is a matter of national security. But they may wish to originate or make a contribution toward certain research endeavors, the favorable results of which might well contribute to a solution needed in the interest of better defense. It is quite possible that a part or the whole of such research might not come exactly under the definition of basic research.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Pennsylvania.

Mr. RICH. In speaking of the National Military Establishment and the research they are doing, they can go into most any branch of research that they choose.

Mr. HINSHAW. They do actually.

Mr. RICH. They can and they do. They are now spending over a half million dollars a year. The gentleman talks about getting at the bottom of the barrel. I say to the Members of the House that you are at the bottom of the barrel financially. Setting up this organization is only going to wreck us.

Mr. HINSHAW. That may be true; but in answer to that may I say that it is about time we got some more basic knowledge in the United States so we can proceed to better the life of our people and improve our national defense.

Mr. PRIEST. Mr. Chairman, I ask unanimous consent that debate on the Wadsworth amendment close in 5 minutes.

Mr. CASE of South Dakota. Mr. Chairman, reserving the right to object, I would like to talk directly to the amendment and would like some time.

Mr. PRIEST. Then, Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes.

Mr. CHURCH. Mr. Chairman, I object.

Mr. PRIEST. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 15 minutes, with 4 minutes to be reserved for the committee.

Mr. CHURCH. Mr. Chairman, I object.

Mr. PRIEST. Mr. Chairman, I move that debate on the Wadsworth amendment close in 15 minutes.

The motion was agreed to.

Mr. JENNINGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the thing about this measure which alarms me is it appears to be an unnecessary costly duplication of facilities we already have. One would think we had no scientists and no laboratories and no facilities. I have been laboring under the impression in view of what we did in the last World War that we have an industrial system which is the envy and admiration of the world. In the great universities of this country and in connection with great industrial enterprises of the country there are scientists and research is being carried on. There are men able to carry out the very work that is proposed to be carried on by this Foundation.

In addition to that it is designed, in my opinion, and if you will read the bill you will see that is what it means, to mushroom and spawn and multiply and increase without end, not only in this country, but all over the world. We have one remedy for all the ills that beset us and that is to spend money and more money--money that we do not have for things we can do without and do not need. That is what we are doing. You talk about getting rid of a bureau or a bureaucrat. When have we gotten rid of a bureau and when have we ever gotten rid of a bureaucrat? Few of them die and none of them ever resign. I think there is implicit in this organization an effort which, if it succeeds, will take over and absorb the agencies and functions which are now being carried on by our universities and great industrial enterprises. We built the atomic bomb. How did we do it? Did we have a Foundation of Science? Not at all. The War Department engaged the services of 1,000 scientists, many of whom never saw Oak Ridge. They did the job. Do we know how to make an airplane? I think we do. At this time those who build our airplanes—transport planes, bombers, fighters, of all kinds—have installed, are maintaining, and using air tunnels in which these planes are tested. We have facilities in which engines and guns may be tested in subzero cold. The Government and private enterprise are maintaining great laboratories and testing stations that are the equal if not the superior of any to be found anywhere in the world.

By this agency it is proposed to set up an organization world-wide in scope the purpose of which is to foster the interchange of scientific information among scientists in the United States and in foreign countries.

The Hisses and the Fuchses attend to the dissemination of our most intimate secrets through their betrayal to foreign enemies and they do it at their own expense. And when Senator McCARTHY, of Wisconsin, seeks to further expose disloyal elements in the State Department, those who have under their control the evidence that would establish the guilt of those who have been faithless to their trust refuse to permit the Senator possession of such evidence in order that he may introduce it against those who are accused.

There is such an offense in law as misprision of a felony, misprision of treason. What are those who are concealing these facts from the agency doing? If I understand it, they are guilty of misprision of a felony, misprision of treason. We are concerned that the world will not find out what we are doing. I think if this sprawling endless bureaucracy is fastened upon the people of this country, no man can foretell what it will finally cost, and I will look upon it as a future harbor and dwelling place for Communists and traitors in our own country and those who come to us from all corners of the world.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. JENNINGS] has expired.

Mr. CASE of South Dakota. Mr. Chairman, I rise in support of the amendment.

The amendment offered by the gentleman from New York [Mr. WADSWORTH] proposes to insert the word "basic" at a certain point on page 2, which would clarify the scope of the bill and the authority of the Foundation.

I have in my hand a table which was compiled by the Bureau of the Budget as of January 1950, which lists 26 agencies of the Government which have research development funds. I am not going to take time to read all of the figures in detail, but the list ranges from the Atomic Energy Commission to the Treasury Department. It includes the proposed National Science Foundation, for $500,000.

The total for this fiscal year 1951, as recommended by the Budget for research development, amounts to $1,317,223,298. If any of you are interested in the table, here it is.

In connection with the Atomic Energy Commission, they have a very sizable amount, a total of $300,000,000, for research development. Out of that, $23,000,000 in 1950 and $18,000,000 in 1951 could almost be classified as basic research. Of the $18,000,000 which the Atomic Energy Commission is asking for 1951, approximately 10 percent, or $1,800,000, is available for fellowships. That is for basic scientific research. The balance is for farming out to universities and under various contracts for research.

The National Advisory Committee for Aeronautics asks $62,600,000 in cash, and another $15,000,000 in contract authority for research projects and to be farmed out to universities—$777,500.

One thing that concerns me about the language is that in addition to the language on page 19, to which the gentleman from California [Mr. HINSHAW] directed attention, there is language on page 12 under the heading of General Authority of Foundation, which provides that—

> The Foundation shall have the authority to enter into contracts or other arrangements or modifications thereof for the carrying on, by organizations or individuals in the United States and foreign countries, including other Government agencies of the United States and of foreign countries, of such basic scientific research activities and such scientific research activities in connection with matters relating to the national defense as the Foundation deems necessary to carry out the purposes of this act.

There is no requirement in this section that the Secretary of Defense should even be consulted. Under the language cited by the gentleman from California [Mr. HINSHAW], the money could be transferred out of these funds I have cited, a total of $1,300,000,000, which would be expendable by this Foundation upon transfer and without appropriation. On its own motion this Foundation ought not go into national defense activities unless it does have the consent of the agency which is engaged in the applied research.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. HINSHAW. The gentleman has referred to some important language on page 12, which of course is merely for the purpose of permitting the Foundation to assign work which is, in turn, assigned to it by the national defense establishment. It is not the intention of the committee that in the contracts which they would necessarily make with the university for basic research or any other form of research, that they could go beyond the reasons given for the transfer of funds on page 19.

Mr. CASE of South Dakota. Certainly, the language on page 12 is pretty broad; it does not refer to the other part of the act. It seems to be the portion of the bill which sets forth the provisions of this act governing the authority of the Foundation.

Mr. HINSHAW. Authority to the Foundation is limited in this case to that given to the National Defense Establishment.

Mr. CASE of South Dakota. It does not refer to the National Defense Establishment in this section on page 12.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. WADSWORTH. May I call the gentleman's attention to the fact that the language on page 12 authorizes these contracts to be made with foreign organizations and foreign citizens.

Mr. CASE of South Dakota. Certainly, the language on page 12 will have to be tightened up if the act is to conform to the interpretations many have attempted to place on it.

Mr. HINSHAW. I am sure that if the gentleman would draw an amendment to satisfy his idea, the Committee would be glad to accept it, because that certainly is the intention of the Committee.

Mr. CASE of South Dakota. In the meantime, I hope the amendment offered by the gentleman from New York is accepted.

Mr. FULTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask you to scan the act with me for a minute By the language of section 3, subsection (1) you will notice that the Foundation is authorized and directed (1) to develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences. Subparagraph (2) states that it is to initiate and support basic scientific research in the mathematical, physical, medical, biological, engineering, and other sciences.

If you will then go down to subsection (3) which the gentleman from New York wishes to amend, you will note that he is trying to put the word "basic" in a section which refers to a specific application of the research. Basic, of course, within the act, is defined really as meaning foundation work of broad effect, but with no immediate practical application. In the first of the two subparagraphs, therefore, you have basic research, meaning broad research of a foundation character with no practical application. If that is the definition within the first two subdivisions, if you try to put it in the third subdvision where you are talking of a practical application, you are illogical, because you are specifically saying that when the research is in connection with matters relating to the national defense that it shall be done after consultation with the Secretary of Defense. As the bill stands now, unrestricted, it provides that the Foundation shall have broad power to consult on research; but, as has been brought out by the gentleman from California, the amendment offered by the gentleman from New York would restrict this bill on the one thing that is the most important—national defense.

I therefore hope that the amendment offered by the gentleman from New York will be defeated.

In the balance of the time at my disposal I wish to ask the chairman of the committee a question. The bill states on page 2, line 25:

> To foster the interchange of scientific information among scientists in the United States and foreign countries.

How is it intended that that shall be done? What method does the bill provide?

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield.

Mr. HINSHAW. There are certain scientific publications of general circulation such as the publications of the American Association for the Advancement of Science, and others that have international exchange between persons who are interested, mostly scientists. The publication of such things and the exchange of such information which is not classified comes under another section of the bill. It should be encouraged in order to have available to ourselves, for example, certain information which we need from abroad.

Mr. FULTON. So it refers, then, only to unclassified information which can be given to any country, whether behind the iron curtain or in front of the iron curtain.

Mr. HINSHAW. That is quite correct.

Mr. FULTON. But it does not relate in any way to information that is otherwise classified which might be given to a country that might be called one of the Atlantic Pact countries, for example?

Mr. HINSHAW. The gentleman is thinking of the Atomic Energy Act, is he not?

Mr. FULTON. In particular I am thinking of information that would otherwise be classified but might be given to an Atlantic Pact country; such information would not be given to them. There is no attempt under this act to give anything otherwise classified to any country who might be our ally?

Mr. HINSHAW. Anything that is classified comes under the complete control and authority of the Department of National Defense or under the Atomic Energy Commission, according to existing law. This bill provides for classification and no exchange could be had of classified material or information.

Mr. FULTON. I thank the gentleman. Now, referring to page 3, line 12, under subparagraph (7) why does not the committee in this sentence put a limitation as to the number when it says:

> To establish such special commissions as the Board may from time to time deem necessary for the purposes of this act.

That would seem to me to set up unlimited bureaucracy.

Mr. HINSHAW. We attempted to place in the bill certain commissions by name. When we started out to do that, we found there were so many interests that wanted to have their own special commissions and that could apply great pressure, that in order to avoid pressure and leave it in the discretion of the scientists themselves as to what commissions should be established, we placed it in this way.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PRIEST. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, I hope the amendment will be defeated. The gentleman from California [Mr. HINSHAW] already has adequately presented the argument from the standpoint of the committee as to why this amendment should be defeated. The term "basic" is omitted with reference only to the national defense and to an agreement entered into after consultation with the Secretary of Defense.

Let me make this statement. Suppose, for instance, we were at war, or suppose that war was very imminent and it is necessary in this Nation to utilize every possible scientific research organization in the country. I feel it should be possible under a situation such as that for the Secretary of Defense, if he so desires, to request the National Science Foundation to engage in certain research and that certainly there should be authority in the act for it to do so without splitting hairs as to whether that research is basic or whether it is not basic, if the security and the safety of the Nation may be at stake and the Secretary of Defense wants it and the Foundation is able and willing to do it. We purposely left out "basic" in this paragraph because of our interest in providing in every possible way for this legislation to advance the programs of the national defense.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. In line with what the gentleman said, would there be any objection to including language on page 12 to make it conform with that which is stated on page 2, to require the approval after consultation with the Secretary of Defense when the Foundation engages in general scientific and research activities?

Mr. PRIEST. I certainly would not object to any language, if it is necessary, that would require this approval. I believe the gentleman from California set that out in his reply to the gentleman.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from California.

Mr. HINSHAW. In reply to the gentleman from South Dakota I think it would add to our defense in that particular paragraph and I see no objection to it.

Mr. PRIEST. I can see no objection to it because that is the intention of the committee, to make it possible if the national defense so requires to ask this Foundation to do some research which might not be basic. I feel it is tremendously important for the Nation's welfare that such authority be granted in this legislation.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Massachusetts.

Mr. HESELTON. In connection with the statement made by the gentleman from California, I call attention to the fact that in the third report of the President's Scientific Research Board it is explained that the cost of developments in World War II were switched completely from predominance within our own Government facilities into contracts. There is this language:

> At present the War and Navy Departments expended over 90 percent of the funds covered in contracts for research and development.

Mr. PRIEST. Mr. Chairman, I hope the amendment will be voted down.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RANKIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (after counting). One hundred forty-six Members are present, a quorum.

The question is on the amendment offered by the gentleman from New York [Mr. WADSWORTH].

The question was taken; and on a division (demanded by Mr. WADSWORTH) there were—ayes 57, noes 79.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WADSWORTH and Mr. PRIEST.

The Committee again divided, and the tellers reported that there were—ayes 73, noes 94.

So the amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 20, line 21, insert a new paragraph as follows:

"(1) No person shall be employed by the Foundation and no scholarship shall be awarded to any person by the Foundation unless and until the Federal Bureau of Investigation shall have investigated the loyalty of such person and reported to the Foundation such person is loyal to the United States, believes in our system of government, and is not and has not at any time been a member of any organization declared subversive by the Attorney General or any organization that teaches or advocates the overthrow of our Government by force and violence."

Mr. SMITH of Virginia. Mr. Chairman, for the benefit of those who were otherwise engaged and did not hear the amendment read, I want to say what it does is to require an FBI investigation as to the loyalty of students to whom these scholarships and fellowships may be given and with respect to the employees of this Foundation. I have serious misgivings about the whole bill itself. It is a wide-open proposition. The limitations are very few. There is one thing we all know about this bill. I have listened to the debate today and doubt if any of us know too much about it or what it means or what its implications are. There is one thing we do know about this bill. When this scientific foundation is set up it will have access to the most vital secrets of this Government. Having access to those secrets, it will be the place where every person of subversive inclination and where every foreign government, friendly or unfriendly, will have a great deal of curiosity about these secrets. If there is any one place in the Federal Government where we should undertake to protect ourselves, it is in connection with the loyalty of anybody who may be connected with or may have the opportunity to get at those most vital secrets. We know we are now having litigation involving two people who have betrayed the trust imposed upon them by their government in connection with the most vital secret information. What are we doing about it? I think one of them is getting a tap on the wrist for perjury. I do not think prosecution for perjury is an adequate punishment for treason.

However that may be, there is not much use in locking the barn door after the horse is stolen. What I am seeking to do is to lock the door against Communists, against fellow-travelers, and against foreign agents, and against anybody who does not believe in our form of government before the horse even gets a chance to be stolen. I cannot see what possible objection anybody can have to this amendment.

Mr. FULTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. FULTON. I agree with the gentleman. But if you feel it should include anyone having any part in the program, do you not think it should be extended and made broader so that it includes all these organizations and institutions and individuals in the United States or foreign countries who are to take part in the program on research even though they are not students?

Mr. SMITH of Virginia. I feel I have gone pretty far, and about as far as I could very well go. If you get loyal people in, then those loyal people are going to see that no other disloyal people can mess around with your secrets. To be frank with you, I just cannot understand why anybody who has read this amendment and understands what this amendment does can object to it. It is going to be said that all employees of the Federal Government are now examined by the FBI. Well, that is just not correct. I have conferred with a member of the Committee on Appropriations who has to do with that. All the FBI does now is to receive a list of the names of proposed employees and the fingerprints of such proposed employees. They check them against what they have in their files and if nothing shows up, why, that is all there is to it. It has been suggested that we ought to cut out examining these fellows that we are going to educate through these fellowships. They are going to get from the Federal Government a free education. Will somebody please explain to me why a person who is going to be educated at the expense of the taxpayers of the United States should not be loyal to the people of the United States? Somebody answer that, will you?

Mr. DURHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. DURHAM. We do not require an investigation of the cadets at Annapolis or at West Point, do we?

Mr. SMITH of Virginia. No. The students at Annapolis and West Point do not have within their future grasp the secrets of the United States which these fellows who are being educated by these fellowships are going to have. That is the object of having the fellowships—it is to educate the people who go into this organization.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. RANKIN. The students at Annapolis and West Point are watched and scrutinized for 4 years, and if there is anything wrong with them they are turned out.

Mr. SMITH of Virginia. That is true.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. JENNINGS. In all the long history of this country has any graduate of Annapolis or West Point ever betrayed his country?

Mr. SMITH of Virginia. Not to my knowledge.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. PRIEST. Mr. Chairman, I am willing to accept the amendment offered by the gentleman from Virginia [Mr. SMITH].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The amendment was agreed to.

Mr. PRIEST. Mr. Chairman, I wish to inquire how many amendments there are now on the desk.

The CHAIRMAN. There are four amendments on the Clerk's desk.

Mr. PRIEST. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4846) to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. PATTERSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a resolution from the Lithuanian-American Council in Waterbury, Conn.

Mr. RANKIN asked and was given permission to extend the remarks he made and include certain excerpts from newspapers and other publications.

Mr. UNDERWOOD asked and was given permission to extend his remarks in the RECORD in regard to hearings before the House Ways and Means Committee on a graduated tax on tobacco.

Mr. DAVENPORT asked and was given permission to extend his remarks in the RECORD in two instances and include certain extraneous matter.

Mr. JONES of Missouri asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. FURCOLO (at the request of Mr. PHILBIN) was granted permission to extend his remarks in the RECORD and include a certain excerpt.

Mr. HEFFERNAN asked and was given permission to extend his remarks in the RECORD and include an editorial which appeared in the Brooklyn Daily Eagle.

Mr. DELANEY asked and was given permission to extend his remarks in the RECORD in two instances; in one to include a protest against the abduction of Greek children, and in the second to include the remarks of Hon. James A. Farley.

Mr. DAGUE (at the request of Mr. GAVIN) was granted permission to extend his remarks in the RECORD and include an editorial.

Mr. JENNINGS asked and was given permission to revise and extend his remarks and include extraneous matter.

Mr. HESELTON asked and was given permission to revise and extend the remarks he made in the Committee of the Whole and include certain statistical information and extraneous matter.

Mr. ELLIOTT asked and was given permission to extend his remarks in the Appendix of the RECORD and include extraneous matter.

Mr. BOYKIN asked and was given permission to extend his remarks in the Appendix of the RECORD and include a statement on the oil situation.

Mr. McCORMACK asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter he wrote to the Secretary of State and enclosures, notwithstanding the fact it exceeds the limit established by the Joint Committee on Printing and will cost $225.50.

SPECIAL ORDER GRANTED

By unanimous consent, Mr. HOFFMAN of Michigan was given permission to address the House for 10 minutes on tomorrow and 10 minutes on March 6, following the legislative business of the day.

The SPEAKER. Under the previous order of the House the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 20 minutes.

ADMIRAL DENFELD

Mrs. ROGERS of Massachusetts. Mr. Speaker, I learned that today in Boston Admiral Denfeld, who was ousted as Chief of Naval Operations, left the Navy Department. He left it with the admiration of all those in the First Naval District and thousands of Americans. A salvo of guns was fired and every honor paid him as befitted a great naval hero.

Mr. Speaker, the United States Navy and the personnel of the Navy Department owe to martyred Admiral Louis Denfeld a debt of gratitude they never can repay. Some of those who did not dare to speak for our naval security will regret that they did not do so.

If additional authorizations and appropriations are made to strengthen our very much weakened Navy it will be to Admiral Louis Denfeld and a few naval officers who resigned from the service in protest over what was done to Admiral Denfeld. I understand that larger appropriations are being made and that there will be a stronger navy in the Pacific, and that some of the things that Admiral Denfeld felt obliged to recommend will be adopted. The fact that the Committee on Armed Services voted 22 to 8 today, as I have been told, that the removal of Admiral Denfeld was an act of reprisal verifies what I believe and what I have said before.

ARMS TO ARAB NATIONS

Mrs. ROGERS of Massachusetts. Mr. Speaker, we have been arming other countries I believe to the detriment of our own, and at a time while we have been weakening our own defense. I wish to read into the RECORD a letter I am today sending to the Secretary of State:

Hon. DEAN ACHESON,
Secretary of State,
Washington, D. C.

MY DEAR SECRETARY ACHESON: Information has come to me that great quantities of arms, tanks, planes, and submarines are being purchased by Egypt and other Arab nations from Great Britain and other European countries. This recent rearmament policy on the part of the Arab nations seems to have taken on a wartime tempo and appears to be much too accelerated a program merely for domestic security.

The citizens of the little state of Israel are alarmed, as they have just cause to be, in view of this situation. They are fully aware—and have made it known to American citizens—that the Arab leaders bluntly state, in their press and radio, that they are preparing for a second round with the Government of Israel. This is not altogether surprising, since the Arab nations have been reluctant to make peace treaties with the Government of Israel. Instead, the actions on the part of the Arab leaders indicate that they are intent on waging another war of revenge upon Israel.

The Government of the United States was the first to recognize the independence of Israel and has been giving financial assistance to the little nation. In admitting tens of thousands of Jewish DP's from Europe, Asia, and Africa, rehabilitating and settling these unfortunate men, women, and children who seek nothing more than peace and security in the land of their brethren, the Government of Israel has been confronted with an almost impossible task. This little nation needs every dollar to help these immigrants who are streaming in by the thousands daily. They can ill afford the strain on their financial resources to build a military fortress at this time. Yet, because of the hostile feeling of their Arab neighbors, they are being forced to do just that.

In view of the policy of our Government, as I see it, to sanction Great Britain's selling of arms, planes, submarines, etc., in unlimited quantities—indirectly with American dollars paid by American taxpayers—to the Arab nations, it seems to me that American citizens in general, and those of the Jewish faith in particular, must be greatly concerned and vexed that our Government is not fully aware of the danger of another outbreak of war in the Middle East region; thereby jeopardizing peace in the world.

Mr. Secretary, in your letter to Representative JACOB K. JAVITS, of New York, you have stated that "Great Britain faithfully observed the arms embargo imposed by the Security Council on the shipment of arms to the Palestine area, and now that the embargo has been lifted, it has resumed shipment of arms in accordance with its treaty obligations to the countries concerned. It should be recalled that the Arab states are but a part of the Middle East area, a region the security of which is of great importance to the west. It is desirable that the countries in this part of the world obtain from reliable and friendly sources such arms as they may need for their legitimate security requirements."

From your statement, it would be apparent that, since Israel, too, is a country in the Middle East area, she should be the recipient of necesary arms for self-defense and security purposes. There should be a balance of armament amongst the nations of the Middle East area and no discrimination where Israel is concerned.

It is my sincere hope that our Government, through your good offices, will take a firm stand, without delay, in stating its views to Great Britain, pointing out that it is unwise to permit the Arab governments to arm beyond their domestic needs for internal security.

As the eve approaches of the second anniversary of the independence of Israel, our Government should reaffirm its desire to continue assistance to the infant nation so that it may survive and grow, in security and peace. We should extend equal opportunity to Israel so that she may obtain arms and weapons necessary for the security of her people until such time when peace agreements will be drawn up between Israel and her neighboring Arab states.

An early reply will be deeply appreciated.

Very sincerely yours,

EDITH NOURSE ROGERS,
Member of Congress.

Mr. Speaker, from the American point of view I think it is vitally necessary that the administration and the Secretary of State accede to my request.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House on tomorrow for 10 minutes following disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered.

EXTENSION OF REMARKS

Mr. MACY asked and was given permission to extend his remarks in the RECORD and include a poll by the American Press Association.

Mr. HALLECK (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HERTER (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of illness.

To Mr. KELLEY of Pennsylvania (at the request of Mr. EBERHARTER), for an indefinite period, on account of illness.

To Mr. MARCANTONIO (at the request of Mr. POWELL), for an indefinite period, on account of illness.

BILL PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 7220. An act to expedite the rehabilitation of Federal reclamation projects in certain cases.

ADJOURNMENT

Mr. BURKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 1, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1270. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated January 26, 1950, submitting a report, together with accompanying papers and an illustration on a review of reports on the White River, Ark., with a view to determining the advisability of improvements of the White River in Arkansas for flood-control drainage, and other purposes in the general vicinity of Des Arc, Ark., requested by a resolution of the Committee on Public Works, House of Representatives, adopted on April 5, 1949 (H. Doc. No. 485); to the Committee on Public Works and ordered to be printed, with one illustration.

1271. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated December 7, 1949, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Pocomoke River, Md., from Old Rock Buoy to Williams Point, authorized by the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 486); to the Committee on Pub-

lic Works and ordered to be printed, with three illustrations.

1272. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated August 29, 1949, submitting a report, together with accompanying papers and an illustration on a preliminary examination and survey of Oswego Harbor, N. Y., authorized by the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 487); to the Committee on Public Works and ordered to be printed, with one illustration.

1273. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, United States Army, dated October 4, 1949, submitting a report, together with accompanying papers and illustrations, on a review of reports on Westport Harbor and Saugatuck River, Conn., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on February 1, 1946 (H. Doc. No. 488); to the Committee on Public Works and ordered to be printed, with two illustrations.

1274. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated July 15, 1949, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Arkansas River above Pine Bluff, Ark., with special reference to control of caving banks in the vicinity of Hensley bar and the McFadden place in Jefferson County, Ark., authorized by the Flood Control Act approved on December 22, 1944 (H. Doc. No. 489); to the Committee on Public Works and ordered to be printed, with two illustrations.

1275. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated August 29, 1949, submitting a report, together with accompanying papers and illustrations on a cooperative beach erosion control study of the south shore, State of Rhode Island. This investigation was made under the provisions of section 2 of the River and Harbor Act approved on July 3, 1930, as amended and supplemented (H. Doc. No. 490); to the Committee on Public Works and ordered to be printed, with 11 illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANKIN: Committee on Veterans' Affairs. S. 2541. An act to amend the act entitled "An act to establish a Department of Medicine and Surgery in the Veterans' Administration," approved January 3, 1946, as amended, to extend the period for which employees may be detailed for training and research, and for other purposes; without amendment (Rept. No. 1717). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 6632. A bill to extend the authority of the Administrator of Veterans' Affairs to establish and continue offices in the Republic of the Philippines; with an amendment (Rept. No. 1718). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 6374. A bill to liberalize the service pension laws relating to veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, and their dependents; without amendment (Rept. No. 1719). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 7057. A bill to amend Veterans Regulation No. 1 (a) with respect to the computation of estimated costs of teaching personnel and supplies for instruction in the case of colleges of agriculture and the mechanic arts and other nonprofit educational institutions; without amendment (Rept. No. 1720). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on Veterans' Affairs. H. R. 7440. A bill to amend Veterans Regulations to establish for persons who served in the armed forces during World War II a further presumption of service connection for active pulmonary tuberculosis; without amendment (Rept. No. 1721). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of New York: Committee on the Judiciary. S. 471. An act for the relief of Lloyd Gordon Findley and Malcolm Hearne Findley, a minor; without amendment (Rept. No. 1694). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 738. An act for the relief of Earl B. Hochwalt; without amendment (Rept. No. 1695). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1310. An act for the relief of Pierre E. Lefevre; without amendment (Rept. No. 1696). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1394. An act for the relief of Monroe Kelly, rear admiral, United States Navy, retired; without amendment (Rept. No. 1697). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1447. An act for the relief of John M. Hart; without amendment (Rept. No. 1698). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1737. An act for the relief of George M. Vaughan; without amendment (Rept. No. 1699). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1764. An act for the relief of George K. Haviland; without amendment (Rept. No. 1700). Referred to the Committee of the Whole House.

Mr. DENTON: Committee on the Judiciary. H. R. 1124. A bill for the relief of Lee Freddie Lambert; without amendment (Rept. No. 1701). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 1817. A bill for the relief of Mrs. Rose A. Mongrain; with an amendment (Rept. No. 1702). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 2851. A bill for the relief of Carl L. Sexauer; with an amendment (Rept. No. 1703). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. H. R. 3010. A bill for the relief of Walter E. Parks; without amendment (Rept. No. 1704). Referred to the Committee of the Whole House.

Mr. DENTON: Committee on the Judiciary. H. R. 3996. A bill for the relief of Dr. J. Carlyle Nagle; without amendment (Rept. No. 1705). Referred to the Committee of the Whole House.

Mr. DENTON: Committee on the Judiciary. H. R. 4164. A bill for the relief of Norman Otis Pippin; with an amendment (Rept. No. 1706). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. H. R. 5341. A bill for the relief of Joseph W. Greer; with an amendment (Rept. No. 1707). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5380. A bill for the relief of Thomas J. Smith; with an amendment (Rept. No. 1708). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5355. A bill for the relief of Szalom Malek; with an amendment (Rept. No. 1709). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 5581. A bill for the relief of Deborah Elizabeth Ebel; with an amendment (Rept. No. 1710). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 6163. A bill for the relief of Dr. Wei Tcheng Liang; without amendment (Rept. No. 1711). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 6656. A bill for the relief of Peter Michael El-Hini; without amendment (Rept. No. 1712). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 6747. A bill for the relief of Helga Holleb; with an amendment (Rept. No. 1713). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 7256. A bill for the relief of Mieko Nishitsuru; with an amendment (Rept. No. 1714). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 7313. A bill for the relief of Lucy Teresa Morris; with an amendment (Rept. No. 1715). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. H. R. 7468. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 1716). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BOSONE:

H. R. 7462. A bill to reestablish a Civilian Conservation Corps; to provide for the conservation of natural resources and the development of human resources through the employment of youthful citizens in the performance of useful work, including job training and instruction in good work habits; and for other purposes; to the Committee on Education and Labor.

By Mrs. DOUGLAS:

H. R. 7463. A bill to reestablish a Civilian Conservation Corps; to provide for the conservation of natural resources and the development of human resources through the employment of youthful citizens in the performance of useful work, including job training and instruction in good work habits; and for other purposes; to the Committee on Education and Labor.

By Mr. FOGARTY:

H. R. 7464. A bill to prevent military personnel from replacing civilians in the Department of Defense; to the Committee on Armed Services.

By Mr. FORAND:
H. R. 7465. A bill to make surplus agricultural commodities available to Federal, State, and local penal and correctional institutions; to the Committee on Agriculture.

By Mr. HOFFMAN of Michigan:
H. R. 7466. A bill to protect trade and commerce against interference or restraints by labor organizations; to the Committee on the Judiciary.

By Mr. KEOGH:
H. R. 7467. A bill to extend the benefits provided by title III of the Servicemen's Readjustment Act of 1944, as amended, to certain persons who served as technical advisers to the armed forces; to the Committee on Veterans' Affairs.

By Mr. BYRNE of New York:
H. R. 7468. A bill for the relief of sundry claimants, and for other purposes; to the Committee on the Judiciary.

By Mr. SABATH:
H. R. 7469. A bill to provide for a temporary diversion of water from Lake Michigan during the coal-shortage emergency; to the Committee on Public Works.

By Mr. H. CARL ANDERSEN:
H. R. 7470. A bill relating to the income-tax treatment of profits from the sale of livestock used for draft, dairy, or breeding purposes; to the Committee on Ways and Means.

By Mr. BURDICK:
H. R. 7471. A bill to grant civil-service employees retirement after 30 years' service; to the Committee on Post Office and Civil Service.

By Mr. GARY:
H. R. 7472. A bill to create a commission to study the feasibility of Federal participation in the American Negro Progress Exposition; to the Committee on House Administration.

By Mr. McKINNON:
H. R. 7473. A bill to extend the personal rights and duties of the Indians of California; to the Committee on Public Lands.

By Mr. O'KONSKI:
H. R. 7474. A bill to aid the development and maintenance of American-flag shipping on the Great Lakes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:
H. R. 7475. A bill to repeal the retailers' excise taxes on luggage, jewelry, furs, and toilet preparations; to repeal the tax on transportation of persons; and to terminate the war tax rates on admissions, telephone, and telegraph; to the Committee on Ways and Means.

By Mr. ROOSEVELT:
H. R. 7476. A bill to provide that aliens who have arrived in the United States shall not be excluded without a hearing; to the Committee on the Judiciary.

By Mr. BONNER:
H. R. 7477. A bill providing for the conveyance to the town of Nahant, Mass., of the Fort Ruckman Military Reservation; to the Committee on Expenditures in the Executive Departments.

By Mr. HORAN:
H. R. 7478. A bill creating a commission on Federal reimbursement to States and local governments by reason of Federal ownership of improved and unimproved real property; to the Committee on Public Lands.

By Mr. PETERSON:
H. R. 7479. A bill to authorize the District Court for the Southern District of Florida to hear, determine, and render judgment upon certain claims of the Tampa Shipbuilding Realty Corp., without regard to lapse of time; to the Committee on the Judiciary.

By Mr. DAVIES of New York:
H. J. Res. 428. Joint resolution to amend the National Housing Act, as amended, with respect to mortgage insurance under section 608 of such act; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, relative to effecting substantial decreases in the next Federal budget and the Federal debt; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New York, requesting the enactment of H. R. 4453, known as the FEPC bill; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVENPORT:
H. R. 7480. A bill for the relief of Tullio Caporale; to the Committee on the Judiciary.

By Mr. GOODWIN:
H. R. 7481. A bill for the relief of Chryssoula Dimitrious Halatsi; to the Committee on the Judiciary.

By Mr. HARE:
H. R. 7482. A bill for the relief of John E. Cromer; to the Committee on the Judiciary.

By Mr. HEFFERNAN:
H. R. 7483. A bill for the relief of Luciana Caratella; to the Committee on the Judiciary.

By Mr. MARCANTONIO:
H. R. 7484. A bill for the relief of Salvatore Maneri; to the Committee on the Judiciary.

By Mr. MORTON:
H. R. 7485. A bill for the relief of Mrs. Maria Margarite Noe; to the Committee on the Judiciary.

By Mr. RIBICOFF:
H. R. 7486. A bill for the relief of Marguerite Micheline Bidault Barbier; to the Committee on the Judiciary.

By Mr. RIEHLMAN:
H. R. 7487. A bill for the relief of Louis Cohen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1925. By Mr. GOODWIN: Memorial of the Massachusetts Legislature, requesting Congress to lower the high cost of food; to the Committee on Agriculture.

1926. Also, memorial of the Massachusetts Legislature, requesting Congress to pass anti-poll-tax legislation; to the Committee on House Administration.

1927. Also, memorial of the Massachusetts Legislature, requesting Congress to pass anti-lynching legislation; to the Committee on the Judiciary.

1928. Also, memorial of the Massachusetts Legislature, requesting the President and the Congress to effect substantial decreases in the next Federal budget and the Federal debt; to the Committee on Ways and Means.

1929. By Mr. HESELTON: Resolutions of the General Court of Massachusetts, memorializing the President and the Congress of the United States to effect substantial decreases in the next Federal budget and the Federal debt; to the Committee on Ways and Means.

1930. By Mr. KEARNEY: Memorial of the Senate and the Assembly of the State of New York, advocating enactment of House bill 4453; to the Committee on Education and Labor.

1931. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, urging the Congress to lower the high cost of food; to the Committee on Agriculture.

1932. Also, memorial of the General Court of Massachusetts, urging enactment of anti-poll-tax legislation; to the Committee on House Administration.

1933. Also, memorial of the General Court of Massachusetts, urging enactment of anti-lynching legislation; to the Committee on the Judiciary.

1934. Also, memorial of the General Court of Massachusetts, urging substantial decreases in the next Federal budget and the Federal debt; to the Committee on Ways and Means.

1935. By Mr. SHAFER: Resolution of the American Warehousemen's Association, protesting deficit spending and urging reduction of Government spending; to the Committee on Expenditures in the Executive Departments.

1936. Also, resolution of the Oil Advisory Board of the State of Michigan, protesting change in the depletion-allowance provisions of the Federal tax laws; to the Committee on Ways and Means.

1937. By the SPEAKER: Petition of Louis P. Seltzer, chairman, Assembly of 1,000 Citizens of Cleveland, Cleveland, Ohio, relative to the abduction of 28,000 Greek children, and requesting prompt repatriation; to the Committee on Foreign Affairs.

1938. Also, petition of John D. Coleman, secretary, Pennsylvania Lodge, Fraternal Order of Police, Harrisburg, Pa., stating their opposition to any citizens' committee, regardless of how formed or appointed, having access to the Federal Bureau of Investigation files; to the Committee on the Judiciary.

1939. Also, petition of Buddy Hays and others, Orlando, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

WEDNESDAY, MARCH 1, 1950

(Legislative day of Wednesday, February 22, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who art in heaven, and earth, and in all Thy works, we pause in the midst of thronging duties and confused issues to commune with Thee, source of all goodness, beauty, and truth. May we know no glory but the supreme satisfaction of rendering to the Nation and to the world our utmost service, unsullied by base motives of self-interest, as again with the golden gift of a new day we pledge at this white altar of devotion to maintain integrity of character, cleanness of hands, and unswerving firmness of purpose in the fulfillment of our high and holy calling as servants of the Republic. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, February 28, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on February 28, 1950, the President had approved and signed the act (S. 1916) for the relief of Edna A. Bauser.